



Title VI Program

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Title VI Policy Statement

The City of Citrus Heights is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, activities, or services on the basis of race, color, or national origin. All persons, regardless of their citizenship, are covered under this regulation. In addition, the City of Citrus Heights prohibits discrimination on the basis of race, color or national origin in its employment and business opportunities.

The City of Citrus Heights will not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to Title VI or because he/she filed a Complaint or participated in an investigation under Title VI, and/or this regulation.

As a recipient of Federal Transit Administration (FTA) funds, Federal Highway Administration (FHWA) funds and other federal program funding, the City of Citrus Heights will ensure that its programs, policies and activities comply with the Department of Transportation (DOT) Title VI Regulations of the Civil Rights Act of 1964.

The City of Citrus Heights will ensure that the level and quality of its transportation service is provided without regard to race, color or national origin.

The City of Citrus Heights will promote full and fair participation of all affected populations in the transportation decision-making process.

The City of Citrus Heights will make good faith efforts to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, activities, and services on minority populations and low-income populations within the City's transit service area and transportation system as provided herein.

The City of Citrus Heights will ensure that Limited English Proficient (LEP) individuals have access to the City's Transit program, activities, and services.

In compliance with Title 49 CFR Section 21.9(d), the City of Citrus Heights will provide information to the public regarding its obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

Applicability

This policy is applicable to all City of Citrus Heights employees, members of the public and all contractors hired by the City of Citrus Heights.

Failure of a City of Citrus Heights employee to follow this policy and procedure may subject such employee to disciplinary action up to and including employment termination.

General Requirements and Guidelines

The City of Citrus Heights will carry out its programs, activities, and services in compliance with Title VI of the Civil Rights Act of 1964, which states:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The City of Citrus Heights or any of its employees will not, on the grounds of race, color or national origin:

- a. Provide any service, financial aid, or benefit that is different from that provided to others;
- b. Subject an individual to segregation or separate treatment;
- c. Restrict an individual in the enjoyment of any advantage or privilege enjoyed by others;
- d. Deny any individual service, financial aid, or benefits under any of the City’s programs, services, or activities;
- e. Treat individuals differently in terms of whether they satisfy admission or eligibility requirements; or
- f. Deny an individual the opportunity to participate as a member of a planning or advisory body.

The City of Citrus Heights currently contracts out for public transit service and shall ensure evaluation of all significant system-wide service and fare changes at the planning and programming stages to determine whether these changes have a discriminatory impact on low-income and Limited English Proficiency individuals. This applies to major service changes that affect 25 percent or more of system-wide service hours or miles.

The City of Citrus Heights schedules regular, public meetings of its City Council to ensure that individuals are afforded an opportunity to participate in transportation planning processes and decisions. Sacramento Regional Transit District (SACRT), the City’s current public transit service provider schedules regular, public meetings of the SACRT Board.

The City of Citrus Heights’s Title VI Program has been prepared in accordance with FTA Circular 4702.1B, dated October 1, 2012. The City will keep the public informed of the protections against discrimination afforded to them by Title VI and the City’s obligations under Title VI by posting a Title VI Notice (Appendix A) on the agency’s website, in transit vehicles, and in public areas of the agency’s administrative office. The Title VI Policy Statement Complaint Form (Appendix B) will also both be posted on City’s website at www.citrusheights.net and is available at the City’s Transit Division offices. The City of Citrus Heights will provide information, upon request from FTA, in order to investigate complaints of discrimination, or to resolve concerns about possible noncompliance with Title VI.

The City of Citrus Heights will submit its Title VI Program to SACRT’s Title VI Compliance to

ensure compliance with Title VI Requirements.

The City of Citrus Heights will ensure that minority and low-income individuals have meaningful access to the City's Transit programs, activities and services.

Complaint Procedures and Appeals

How to File a Title VI Complaint with the City of Citrus Heights

Any person who believes they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file a complaint by contacting the Title VI Coordinator (City Clerk) by phone, e-mail, or in writing.

Title VI Coordinator
Amy Van, City Clerk
6360 Fountain Square Drive
Citrus Heights, CA 95621
(916) 725-2448
avan@citrusheights.net

The Complaint Form (contained in Appendix B) can be used to file a Title VI Complaint with the City of Citrus Heights. The Complaint Form will be made in an accessible format upon request, and can be obtained via the following methods:

- a. Electronic download from the City of Citrus Heights's website at www.citrusheights.net
- b. By calling the City of Citrus Heights at (916) 725-2448
- c. By picking up a Complaint Form during normal business hours, Monday through Friday, at the following location:

City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621

Procedures for Investigating Complaints

The City Clerk will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences, and names of any witnesses. The complainant will be notified of the resolution.

Appeals Process

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public

transportation must be filed, in writing, within sixty (60) calendar days of the incident. The written appeal must include the customer's name, address, and telephone number. A statement of reason(s) why the complainant believes the denial of the complaint was inappropriate is recommended.

The City Manager will set a mutually agreed-upon time and place for the review process with the complainant and/or his/her representatives within thirty (30) days of the request. The complainant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept, as determined by the City Manager. Anyone needing special accommodations may contact the City at (916) 725-2448 for assistance.

Filing a Title VI Complaint with the FTA Office of Civil Rights

Individuals or organizations can also file a complaint directly with the Federal Transit Administration's (FTA) Office of Civil Rights. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA. Completed and signed Title VI Complaint forms should be sent to:

Federal Transit Administration Office of Civil Rights

Attention: Title VI Program Coordinator

East Building, 5th Floor – TCR

1200 New Jersey Ave., SE

Washington, DC 20590

Phone: 1-866-377-8642

TTY: 1-800-877-8339

VCO: 1-877-877-6280

The FTA Title VI Complaint Form can be found at the following link:

http://fta.dot.gov/civilrights/12328_5104.html

Once a complaint has been accepted by FTA for investigation, FTA will go through an investigative process and make determinations based on findings. Investigative process and determination by FTA should be completed within 180 days of the date the FTA accepts the complaint for investigation. The City will cooperate with FTA, when required, during the investigative process and will take appropriate actions when a violation is determined. Upon completion of the investigation, FTA's Office of Civil Rights will transmit to the complainant and the grantee a letter of finding and resolution. If either party wishes to appeal the decision, the letter of finding and resolution will provide the opportunity and instructions to do so.

Investigations, Complaints or Inquiries

The City's legal counsel and City Clerk's Office will maintain a list (a minimum of four years in active status) of any Title VI investigations, complaints, or lawsuits filed which allege the City of Citrus Heights discriminated against a person or group on the basis of race, color, or national

origin. This list will include, at a minimum:

- a. The date the investigation, complaint, or lawsuit was filed
- b. A summary of the allegation(s)
- c. The status of the investigation, complaint, or lawsuit
- d. Any actions or corrective actions taken by the City in response to the investigation, Complaint or lawsuit.

As of the writing of the program, the City of Citrus Heights has had no complaints, investigations, or lawsuits which allege discrimination on the grounds of race, color, national origin or any other form of discrimination since incorporation.

Public Participation Plan

As a recipient of Federal transportation funding from the FTA, FHWA and other federal funding sources, the City of Citrus Heights is required to develop a Public Participation Plan (PPP) in accordance with U.S.C Section 5307. The City of Citrus Heights, in collaboration with the Sacramento Area Council of Governments (SACOG), Sacramento Regional Transit District (SACRT) and other regional transit operators, informs the public of service changes and other important activities which pertain to the City's service through a specific dissemination process. The following outlines the strategies and procedures that the City uses to encourage and include public participation in its decision-making process.

Public Hearing and Comment Period for Fare Increase or Major Service Change

The City of Citrus Heights shall maintain an open and participative process including the consideration of public comment before any fare increase or major service change. A major service change is defined as a change in service that is equal to or greater than 25 percent of any route or service. At a minimum, one public hearing shall be held by the City or its contracted transit service provider prior to any major service change or fare increase. A public comment period shall be held at least thirty (30) calendar days prior to any scheduled public hearing. Additional public workshops may be held during the 30- day public comment period in order to elicit public comment regarding the major service change or fare increase. During any public hearing, workshop, or comment period, the City or its contracted transit service provider will accept written comments via mail, fax, or e-mail, and verbal comments by phone.

Public Noticing Requirements

Public notices shall inform the public of proposed actions which initiated the public comment process, how comments will be received, and, if applicable, the locations, dates, and times of scheduled public hearings or workshops. Prior to any public hearing or comment period, a public notice will be prepared and sent to the local media. At a minimum, this legal notice will be published in the local newspaper of general circulation. The City will also post a copy of the public notice, along with dates and times of any public hearing or workshop, on the City's public website. In addition, notices related to public transportation services or related

activities or programs may be posted on any bus or transit facility to further inform the public of an opportunity to participate in any fare increase or major service change decision-making process. Transit riders of routes proposed for adjustment will be further notified of the public comment process by an appropriate combination of on-vehicle flyers, posters, pamphlets, electronic rider alerts, e-mails, and other available means as determined by City or transit contract staff for each scenario.

Scheduling Public Hearing or Workshop Locations and Times

As funding allows, transit service adjustments that have system-wide implications may require multiple public meeting times and locations in order to maximize convenience to riders that are affected. To the greatest extent possible, public meetings will be scheduled at locations in proximity to the area(s) affected by the proposed adjustments, and in proximity to regular bus routes. All facilities utilized for public workshop will be accessible to persons with disabilities. All major service changes and fare adjustments shall be adopted at a public hearing of the governing board of Sacramento Regional Transit District or by the City of Citrus Heights if the services are provided directly by the City of Citrus Heights.

When proposed service adjustments will affect only a limited area, efforts will be made to schedule the meeting at a location near the affected area. Meetings will be scheduled to begin at a convenient time, usually midday and/or early evenings.

Procedure for Conducting Public Workshops

Comment forms will be offered to attendees at any public hearing or workshop to register their presence and desire to speak, or as an alternate method of providing their written comments. Public workshops will begin with a welcome and introduction of staff present. The purpose, proceedings, and proposed actions which necessitated the public hearings will be explained for clarification. When the explanation of proposed actions is completed, the public will be invited to offer their comments. All persons wishing to comment will have the opportunity to do so. This offering will precede the close of the public workshop.

Documentation of Public Hearings

Official records of the City's or any of its contracted transit service providers' public workshops on fare increases, major service changes, or any unmet transit needs will be generated and presented to the City Council of the City of Citrus Heights or appropriate governing board at a regularly scheduled meeting. Records of all public comments will be maintained on file with the host agency as per the California Public Records Act.

Addressing Public Comments Received

All comments, received either in writing or verbally during a public hearing, workshop, or comment period, or as otherwise conveyed to the City or appropriate governing board prior to an established date for the City Council's or appropriate governing board's decision regarding any proposed major service change or fare increase, will be entered into the public record of

the comment process. City or Board staff will evaluate and analyze all relevant comments received to see whether they are reasonable to meet.

Outreach to Engage Minority and Limited English Proficient Populations

The City of Citrus Heights will continue assessing the language needs of citizens in its service area through its Language Assistance Plan (LAP), which is described in greater detail in a subsequent section of this Title VI Program. To the greatest extent possible, to elicit public participation from minority and Limited English Proficient (LEP) populations, the City or any of its contracted service providers will engage in the following outreach activities:

- Public outreach may include attending already existing community meetings and gatherings, such as school meetings, faith-based events, and other community activities in order to invite participation from LEP populations who may not attend hosted public events.
- The City will ensure that non-English language interpretation will be available at any public meeting or workshop, as is appropriate and necessary, whether facilitated by the City or any of its contracted service providers.
- Notices will be made bilingual, or Spanish language notices will be developed and posted with English notices, as deemed necessary.
- Event information posted on or linked to the City's website will be posted in English and Spanish, as deemed necessary.
- The City of Citrus Heights or any of its contracted service providers will distribute event information to community groups and agencies that work with LEP populations, if such contacts exist.
- The City will contract to provide language assistance, or interpretation services, for customers and callers that are non-English speaking, as deemed necessary.

Summary of Outreach Efforts Made Since Last Title VI Program Submission

The City has contracted with SACRT for public transit services since incorporation. Title VI Program outreach has been conducted by SACRT as part of the bus service agreement with the City. Information about SACRT's outreach efforts, inclusive of Citrus Heights, is available at the SACRT website: www.sacrt.com.

Limited English Proficient (LEP) Individuals and Public Participation Requirements

The City of Citrus Heights will seek out and consider the viewpoints of minority, low-income and Limited English Proficient (LEP) populations in the course of conducting public outreach and involvement activities. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. The City's public participation strategy will offer early and ongoing opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions.

The City of Citrus Heights will ensure that individuals have meaningful access to its programs, activities and services by developing and carrying out the language plan herein. Notices detailing the City's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed, consistent with the DOT LEP Guidance and the City's Language Assistance Plan. The City of Citrus Heights employs Language Line Services to provide interpretation at its City Hall office and within its various City departments to assist LEP individuals with questions and trip planning. The City also employs some staff members with bilingual skills.

The City will regularly assess language assistance needs of the population to be served using the following four (4) factors to determine what measures must be undertaken to provide reasonable and meaningful access to LEP individuals:

- a. Languages likely to be encountered and the number or proportion of LEP persons in the eligible service population likely to be affected by the program, activity, or service,
- b. Frequency with which LEP individuals come into contact with the City's programs, activities, and services,
- c. Importance of the program, activity, or service provided by the City of Citrus Heights to LEP individual's lives,
- d. Resources needed to provide effective language assistance and costs

The City of Citrus Heights's LEP Plan has been developed in accordance with Executive Order 13166 and is contained in Appendix C of this Title VI Program.

Environmental Justice Requirements

The City of Citrus Heights shall integrate an environmental justice analysis into its National Environmental Protection Act (NEPA) documentation of construction projects. The City is not required to conduct environmental justice analyses of projects where NEPA documentation is not required. The City will consider preparing an environmental assessment (EA) or environmental impact statement (EIS) to integrate into its documents the following components:

- a. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, direct observation, or a public involvement process);
- b. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income populations;
- c. A discussion of all positive effects of the project that would affect the identified minority and low-income populations, such as improvements in transit service, mobility, or accessibility;
- d. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion

- issues; and the replacement of the community resources destroyed by the project;
- e. A discussion of the remaining effects, if any, and why further mitigation is not proposed; and;
 - f. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas.

The City will describe why such an analysis is not needed if determined to be so.

Service Equity

The City of Citrus Heights is committed to ensuring that all transit services are socially equitable for every population group within the City's boundaries. The following list summarizes the City and Sacramento Regional Transit District (SACRT) efforts to ensure that all transit services are equitably distributed throughout the City:

- Any major service change or fare increase proposed by SACRT involves significant public outreach and participation that is noticed Citywide and made to accommodate any minority or LEP population as determined;
- SACRT conducts intermittent passenger surveys which are distributed either system-wide or targeted to riders based on service mode (commuter, local, or dial-a-ride), depending on the nature of the survey;
- Bus stop locations and stop amenities (i.e. shelters, benches, lights, etc.) are determined by factors including ridership demand and whether or not the stop location serves a major transfer location or park-n-ride facility.

Information regarding route-specific ridership, service performance, and bus facilities/amenities information is monitored on a regular basis by City staff, contracted service provider (SACRT) staff and/or a third party consultant contracted with the City to evaluate system-wide performance measures.

Decision Making Committees and Councils

The City of Citrus Heights is committed to providing an open and visible decision-making process to which the public has equal access. The City Council or its contracted service provider (if a transit agency or district with a governing board made up of elected officials appointed by their jurisdictions) makes the final decisions regarding policy, service changes, fares, capital programming and facility locations for the City's Transit service. The City Council and/or governing board members are elected officials, and therefore, are not subject to Title VI requirement. Boards and Commissions currently appointed by the City Council include the Planning Commission, the History and Arts Commission and the Construction Board of Appeals. None of these boards provide advisory input related to public transit services and therefore, are not subject to Title VI requirements.

Efforts to Ensure City as a Direct or Subrecipient, Maintains Compliance with Title VI

As a subrecipient of FTA funds, the City of Citrus Heights undertakes the following activities to ensure that the City, or any contractor receiving Federal funds for completing work for the City, complies with Title VI of the Civil Rights Act of 1964:

- All Contract/Service Agreement documents for work utilizing Federal funds contain clauses that require the contractor to confirm, through signature/execution, that they will comply with the regulations established under Title VI of the Civil Rights Act of 1964. Required contract provisions in Federal-Aid Construction Projects (FHWA form 1273) are included in all City contracts funded all or in part with federal funding. Please See Appendix D, Attachment 1.
- The City will provide all contractors with access to the City's Title VI Program, Complaint Forms, and Appeal process, which is located on the City's website at www.citrusheights.net.
- At any time, the City may request that any contractor receiving Federal funds for completing work for the City, provide documentation to verify that they are in compliance with all Title VI requirements. This verification process includes the following steps:
 - The City will request a description of the contractor's methodology regarding how they will be compliant with the Title VI requirements. The City will accept that a contractor uses the City's Title VI Program, Complaint Forms, and Appeals processes for compliance provided that the contractor document how the Title VI information and materials are distributed to the employees that are working on the contract;
 - At any time during the Contract's term, the City may request a record of all Title VI Complaint Forms that the subrecipient, or contractor, has received since the execution of the contract. The Contractor must submit any Title VI Complaints to the City regardless of whether or not the complaint has been addressed or is in review;
 - If a Title VI complaint has been submitted to a contractor, the City will require the contractor to identify how the Title VI complaint was addressed, and whether or not the individual who submitted the complaint was provided with an opportunity to appeal the decision made by the contractor.

The City currently has an established Contract with SACRT, to provide fixed- route, ADA paratransit/dial-a-ride, including all buses, bus equipment and all maintenance operations. of the service agreement with SACRT may utilize Federal funding and includes clauses that require the City and any City contractor to comply with all Federal regulations, including Title VI requirements, during the course of the entire contract.

Appendix A

Title VI Notice to Public

(Identified on the City's website and available in the City's main office; Sacramento Regional Transit District provides Notices posted on buses providing service in Citrus Heights)



City of Citrus Heights
Title VI Non-Discrimination Public Notice

Title VI of the Civil Rights Act of 1964 requires 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 subjected to discrimination under any program or activity receiving federal financial assistance.”

The City of Citrus Heights, under Title VI of the Civil Rights Act of 1964 and related statutes, is committed to ensuring no person in the City of Citrus Heights is excluded from, or denied the benefits of, or be otherwise subjected to discrimination under any activity or program the City administers, on the basis of race, color, national origin, age, sex, or disability.

The City of Citrus Heights is committed to complying with the requirements of Title VI in all of its federally funded programs and activities.

Any person who believes he or she has been discriminated against, may file a signed written complaint within 180 days of the date of alleged discrimination. The complaint should include the following information:

- Your name, your address and how best to contact you (i.e. telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Please include the location, names and contact information of any witnesses.

A written complaint can be filed:

By Mail:

City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621

In Person:

City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621

For questions, please contact the City’s Title VI Coordinator, Amy Van, at (916) 725-2448. TDD users with questions or comments, please call the California Relay Service TDD Access Number (800) 735-2922.

If you need translation services for languages other than English, please call 866-874-3972 for assistance.

- Spanish: Si necesita servicios de traducción para otro lenguaje, aparte de Ingles, Por favor llamar al 866-874-3972 para asistencia.
- Vietnamese: Nếu bạn cần dịch vụ thông dịch cho các ngôn ngữ khác ngoài tiếng Anh, xin vui lòng gọi 866-874-3972 để được trợ giúp.
- Tagalog: Kung nangangailangan po ng tulong o interpretasyon sa ibang wika liban sa inglés, tumawag lang po sa 866-874-3972 .
- Chinese: 若你需要中文翻譯服務, 請來電866-874-3972 接受協助

Title VI Notification Posted on City's Website: www.citrusheights.net

The screenshot displays the official website of the City of Citrus Heights, California. The header features the city's logo on the left and navigation links for 'Our Community', 'Your Government', 'City Services', 'Doing Business', and 'How Do I...'. Below these are icons for Twitter, Site Tools, and a Share button, alongside a search bar labeled 'Search Citrus Heights'. The main content area is titled 'Title VI Non-Discrimination Policy' and includes a breadcrumb trail: Home > Your Government > Departments > General Services > Community Services > Transit Services > Title VI Non-Discrimination Policy. A left sidebar contains icons and links for 'Notify Me®', 'Submit a Concern', 'Online Forms', 'Agendas & Minutes', 'Get Involved', and 'Photo Gallery'. The main text explains the Title VI of the Civil Rights Act of 1964, states the city's commitment to non-discrimination, and provides instructions for filing a complaint, including a list of required information and contact details for the Title VI Coordinator.

CITRUS HEIGHTS CALIFORNIA

Our Community Your Government City Services Doing Business How Do I...

Twitter Site Tools Share Search Citrus Heights

Home > Your Government > Departments > General Services > Community Services > Transit Services > Title VI Non-Discrimination Policy

Title VI Non-Discrimination Policy

Title VI of the Civil Rights Act of 1964 requires 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 subjected to discrimination under any program or activity receiving federal financial assistance."

The City of Citrus Heights, under Title VI of the Civil Rights Act of 1964 and related statutes, is committed to ensuring no person in the City of Citrus Heights is excluded from, or denied the benefits of, or be otherwise subjected to discrimination under any activity or program the City administers, on the basis of race, color, national origin, age, sex, or disability.

The City of Citrus Heights is committed to complying with the requirements of Title VI in all of its federally funded programs and activities.

Any person who believes he or she has been discriminated against, may file a signed written complaint within 180 days of the date of alleged discrimination. The complaint should include the following information:

- Your name, your address and how best to contact you (i.e. telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Please include the location, names and contact information of any witnesses.
- Title IV Complaint [Form](#)

A written complaint can be filed by mail or in person at:

Title VI Coordinator
City of Citrus Heights
6360 Auburn Boulevard
Citrus Heights, CA 95621

For questions, please contact the City's Title VI Coordinator, Amy Van, at (916) 725-2448. TDD users with questions or comments, please call the California Relay Service TDD Access Number (800) 735-2922.

Notify Me®
Submit a Concern
Online Forms
Agendas & Minutes
Get Involved
Photo Gallery

Appendix B

Title VI Complaint Form



(Available on the City's website in English and Spanish with further translation upon request)

City of Citrus Heights Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the united States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

If you believe you have received discriminatory treatment by the City of Citrus Heights under Title VI of the Civil Rights Act, you have the right to file a complaint with the City. The complaint must be filed within 180 calendar days of the alleged discriminatory incident.

The following information is necessary to assist us in processing your complaint.
Please complete and return this form by mail or in person to: Title VI Coordinator, City of Citrus Heights 6360 Fountain Square Drive, Citrus Heights, CA 95621

If you need assistance in completing the form, please let us know.

1. Complainant's Name: _____

2. Mailing Address: _____

3. City/State/Zip Code: _____

4. Telephone: _____

5. Person discriminated against (if other than complainant):

Name: _____

Address: _____

City/State/Zip Code: _____

6. Which of the following best describes the reason you believe the discrimination took place?

- a. Race: _____
- b. Color: _____
- c. National Origin: _____
- d. Age : _____
- e. Sex _____
- f. Disability _____
- g. Other _____

7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe to be responsible. Please use additional sheets of paper if necessary.

9. List any others who may have knowledge of this event:

Name Address City/State/Zip Code

10. Have you filed this complaint with any other Federal, State, or local agency; or with any Federal or State court?

Yes: _____ No: _____

If yes, check each box that applies:

Federal Agency _____ Federal Court _____ State Agency _____

State Court _____ Local Agency _____

11. Please provide a contact name at the agency/court where the complaint was filed:

Name: _____

Agency: _____

Please sign below:

Complainant's Signature: _____ Date: _____

You may attach any written material or other information relevant to the complaint

**Formulario de denuncias del Título VI
Ciudad de Citrus Heights**

La Ciudad de Citrus Heights se compromete a garantizar que no se excluya a ninguna persona para que participe en ni se le nieguen beneficios de sus servicios en función de raza, color o nacionalidad, según lo dispone el Título VI de la Ley de Derechos Civiles de 1964, según sus modificaciones. Las denuncias en virtud del Título VI deben presentarse dentro de un plazo de 180 días del supuesto hecho de discriminación.

La siguiente información es necesaria para que nos ayude a procesar su denuncia. Si usted necesita algún tipo de asistencia para completar este formulario, contacte a la Coordinadora del Título VI.

El formulario completo debe entregarse a:

Title VI Coordinator (Coordinadora del Título VI)

Any Van, City Clerk

6360 Fountain Square Drive

Citrus Heights, CA 95621

(916) 725-2448

avan@citrusheights.net

Nombre:	Teléfono:
Domicilio:	Teléfono alternativo:
	Ciudad, Estado y Código postal:
Persona(s) víctima(s) de discriminación (si no es la que presenta la denuncia): Nombre(s):	
Domicilio, Ciudad, Estado y Código postal:	

¿Cuáles de las siguientes opciones describe mejor el motivo por el cual se produjo la supuesta discriminación? (Encierre una opción en un círculo)

- Raza
- Color
- Nacionalidad (dominio del idioma inglés limitado)
- Otro _____

Fecha del incidente: _____

Por favor describir el supuesto incidente de discriminación. Informe nombres y cargos de todos los empleados participantes de la Ciudad de Citrus Heights (o sus contratistas de MV Transportation, Inc.), si tiene esos datos. Explique lo que sucedió y quién considera que fue el responsable.

**Formulario de denuncias del Título VI
Ciudad de Citrus Heights
Servicios de transporte de pasajeros**

Adjunte más hojas si es necesario.

¿Ha presentado una denuncia ante otra/s agencia/s federales, estatales o locales con respecto a este incidente? (Encierre una opción en un círculo)

Sí / No

En caso de que así sea, detalle a continuación la agencia/s y la información de contacto:

Agencia	Nombre del contacto
---------	---------------------

Domicilio, Ciudad, Estado y Código postal	Teléfono
---	----------

Organismo	Nombre del contacto
-----------	---------------------

Domicilio, Ciudad, Estado y Código postal	Teléfono
---	----------

La Ciudad hará todo lo posible para revisar su denuncia dentro de un plazo razonable. La Coordinadora del Título VI lo contactará en un plazo de diez (10) días. Si sus inquietudes corresponden a una agencia que no sea la Ciudad de Citrus Heights, enviaremos este formulario a la agencia responsable.

La Ciudad de Citrus Heights conservará todas las denuncias y respuestas escritas durante un periodo de hasta tres años.

Si la respuesta de la Coordinadora del Título VI o la persona que esté designada no resuelve satisfactoriamente la denuncia, el denunciante podrá apelar el fallo dentro de un plazo de sesenta (60) días calendario después de recibir la respuesta ante el Administrador de la Ciudad o la persona que esté designada.

Afirmo que he leído los cargos anteriores y que los mismos son ciertos a mi leal saber y entender.

Firma del denunciante

Fecha

Nombre del denunciante en imprenta o a máquina

Appendix C

Limited English Proficiency Public Participation Plan

Limited English Proficiency (LEP) Plan

Improving Access to Services for Persons with Limited
English Proficiency

City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621

Phone (916) 725-2448
Fax (916) 727-1454
www.citrusheights.net

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Introduction

This *Limited English Proficiency Plan* has been prepared to address the City of Citrus Heights responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et se, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its' respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Citrus Heights, which receives federal assistance through the U.S. Department of Transportation (U.S. DOT).

Plan Summary

The City of Citrus Heights has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided by the City of Citrus Heights. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City undertook the U.S. DOT four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a City of Citrus Heights Transit Services program, activity or service.
2. The frequency with which LEP persons come in contact with City of Citrus Heights Transit Services programs, activities or services.
3. The nature and importance of programs, activities or services provided by the City of Citrus Heights Transit Services to the LEP population.
4. The resources available to the City of Citrus Heights Transit Services and overall cost to provide LEP assistance.

A summary of the results of the City of Citrus Heights four-factor analysis is in the following section.

Four-Factor Analysis

1. *The number or proportion of LEP persons in the service area who may be served or are likely to encounter a City of Citrus Heights Transit Services program, activity or service.*

The Census Bureau identifies a classification of languages spoken at home by the ability to speak English either “very well” or “less than very well”. For planning purposes, the City of Citrus Heights is considering people that speak English “less than very well” as Limited English Proficient (LEP) persons.

Table 1 shows the languages spoken at home for all persons five years old and older, within the City of Citrus Heights jurisdiction.

Table 1: LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER
(Source: American Community Survey 2011-2015)

LANGUAGE SPOKEN AT HOME				
Population 5 years and over	80,225	+/-431	80,225	(X)
English only	64,423	+/-1,522	80.3%	+/-1.8
Language other than English	15,802	+/-1,486	19.7%	+/-1.8
Speak English less than "very well"	7,235	+/-974	9.0%	+/-1.2
Spanish	7,805	+/-1,208	9.7%	+/-1.5
Speak English less than "very well"	3,834	+/-948	4.8%	+/-1.2
Other Indo-European languages	5,745	+/-892	7.2%	+/-1.1
Speak English less than "very well"	2,418	+/-386	3.0%	+/-0.5
Asian and Pacific Islander languages	1,805	+/-488	2.2%	+/-0.6
Speak English less than "very well"	822	+/-270	1.0%	+/-0.3
Other languages	447	+/-196	0.6%	+/-0.2
Speak English less than "very well"	161	+/-120	0.2%	+/-0.2

<u>LANGUAGE SPOKEN AT HOME</u>	Citrus Heights city, California	
	Estimate	Margin of Error
Total:	80,225	+/-431
Speak only English	64,423	+/-1,522
Spanish or Spanish Creole:	7,805	+/-1,208
Speak English "very well"	3,971	+/-622
Speak English less than "very well"	3,834	+/-948
French (incl. Patois, Cajun):	167	+/-79
Speak English "very well"	120	+/-78
Speak English less than "very well"	47	+/-36
French Creole:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Italian:	73	+/-42
Speak English "very well"	55	+/-36
Speak English less than "very well"	18	+/-20
Portuguese or Portuguese Creole:	25	+/-29
Speak English "very well"	15	+/-24
Speak English less than "very well"	10	+/-15
German:	278	+/-101
Speak English "very well"	255	+/-94
Speak English less than "very well"	23	+/-26
Yiddish:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Other West Germanic languages:	26	+/-33
Speak English "very well"	26	+/-33
Speak English less than "very well"	0	+/-28
Scandinavian languages:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Greek:	31	+/-40
Speak English "very well"	31	+/-40
Speak English less than "very well"	0	+/-28

<u>LANGUAGE SPOKEN AT HOME</u>	Citrus Heights city, California	
	Estimate	Margin of Error
Russian:	1,787	+/-541
Speak English "very well"	919	+/-351
Speak English less than "very well"	868	+/-258
Polish:	48	+/-42
Speak English "very well"	27	+/-26
Speak English less than "very well"	21	+/-23
Serbo-Croatian:	369	+/-249
Speak English "very well"	219	+/-193
Speak English less than "very well"	150	+/-96
Other Slavic languages:	1,446	+/-560
Speak English "very well"	840	+/-390
Speak English less than "very well"	606	+/-219
Armenian:	58	+/-65
Speak English "very well"	19	+/-21
Speak English less than "very well"	39	+/-60
Persian:	285	+/-161
Speak English "very well"	134	+/-97
Speak English less than "very well"	151	+/-94
Gujarati:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Hindi:	105	+/-101
Speak English "very well"	82	+/-92
Speak English less than "very well"	23	+/-27
Urdu:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Other Indic languages:	207	+/-142
Speak English "very well"	80	+/-64
Speak English less than "very well"	127	+/-97

<u>LANGUAGE SPOKEN AT HOME</u>	<u>Estimate</u>	<u>Margin of Error</u>
--------------------------------	-----------------	------------------------

Other Indo-European languages:	840	+/-546
Speak English "very well"	505	+/-413
Speak English less than "very well"	335	+/-172
Chinese:	34	+/-29
Speak English "very well"	19	+/-24
Speak English less than "very well"	15	+/-18
Japanese:	99	+/-62
Speak English "very well"	58	+/-52
Speak English less than "very well"	41	+/-34
Korean:	128	+/-112
Speak English "very well"	79	+/-88
Speak English less than "very well"	49	+/-41
Mon-Khmer, Cambodian:	276	+/-347
Speak English "very well"	174	+/-216
Speak English less than "very well"	102	+/-131
Hmong:	15	+/-19
Speak English "very well"	15	+/-19
Speak English less than "very well"	0	+/-28
Thai:	49	+/-64
Speak English "very well"	21	+/-29
Speak English less than "very well"	28	+/-37
Laotian:	32	+/-50
Speak English "very well"	32	+/-50
Speak English less than "very well"	0	+/-28
Vietnamese:	119	+/-71
Speak English "very well"	47	+/-39
Speak English less than "very well"	72	+/-48
Other Asian languages:	32	+/-32
Speak English "very well"	24	+/-26

LANGUAGE SPOKEN AT HOME	Citrus Heights city, California	
	Estimate	Margin of Error
Total:	80,225	+/-431
Speak only English	64,423	+/-1,522
Spanish or Spanish Creole:	7,805	+/-1,208
Speak English "very well"	3,971	+/-622
Speak English less than "very well"	3,834	+/-948
French (incl. Patois, Cajun):	167	+/-79
Speak English "very well"	120	+/-78
Speak English less than "very well"	47	+/-36
French Creole:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Italian:	73	+/-42
Speak English "very well"	55	+/-36
Speak English less than "very well"	18	+/-20
Portuguese or Portuguese Creole:	25	+/-29
Speak English "very well"	15	+/-24
Speak English less than "very well"	10	+/-15
German:	278	+/-101
Speak English "very well"	255	+/-94
Speak English less than "very well"	23	+/-26
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Speak English less than "very well"	0	+/-28
Scandinavian languages:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Greek:	31	+/-40
Speak English "very well"	31	+/-40
Speak English less than "very well"	0	+/-28

Pursuant to the Safe Harbor Provision, an agency is obligated to provide translation of vital documents for eligible LEP language groups that constitute either five percent (5%) or 1,000 persons of the population being served. Within Citrus Heights, two language groups exceed the threshold of 1,000 persons: Spanish, and Russian (ACS survey data downloaded 03-13-2017).

2. *The frequency with which LEP persons come in contact with City of Citrus Heights Transit Services programs, activities or services.*

The City of Citrus Heights assessed the frequency with which staff have, or could have, contact with LEP persons. The following “touch points” and frequencies have been identified:

Primary Touch Points	Frequency
SACRT Bus and Paratransit Drivers	Frequently
SACRT Customer Service Agents	Frequently
SACRT Schedule/Printed Materials	Occasionally
SACRT Interior Bus Signage/Posters	Occasionally
Transit Webpages	Occasionally
Social Media	Occasionally
Public Meetings	Occasionally

Secondary Touch Points	Frequency
Ticket Vendors	Occasionally
Administrative Staff	Infrequent
Broadcast Media	Infrequent
Ridership Surveys	Infrequent
Operator Surveys	Infrequent

3. *The nature and importance of programs, activities or services provided by the City of Citrus Heights’s Transit Services to the LEP population.*

Transit is a vital service within the City of Citrus Heights, especially for people without access to personal vehicles. Due to the importance of this service, the City recognizes the need to provide all populations, including LEP populations, with the opportunity to access transit. For LEP populations, the inability to interpret schedules printed in English, or converse with bus drivers in English, are barriers to being able to utilize a transit service. To address this barrier, the City has established procedures to provide opportunities for LEP individuals needing translation services in order to fully utilize the City’s transit services.

As identified in Factor 2, SACRT bus drivers and SACRT Customer Service Agents (CSAs) are the most likely staff members to encounter LEP individuals from the language populations identified in Factor 1 (Spanish and Russian languages). LEP individuals that may not feel comfortable interacting with a bus driver or CSA instead may also look for transit service information either posted on a bus schedule/flyer, or on the City's or service provider's website. Recognizing these points of contact, the City's LEP Plan establishes procedures that are most effective at these particular points of contact where an LEP individual may access the City's transit services.

4. *The resources available to the City of Citrus Heights Transit Services and overall cost to provide LEP assistance.*

The City has assessed its available resources that could be used for providing LEP assistance, including determining how much a professional interpreter and translation service would cost on an as-needed basis, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that the City of Citrus Heights could partner with for outreach and translation efforts. Due to financial limitations, and the limited amount of translation requests that staff has historically had from LEP populations, the City provides an oral and written translation service on an as needed basis. This service is provided through LanguageLine Solutions, and it functions to allow a bus driver, CSA, or administrative staff member to contact a direct line in order to request an over-the-phone translator for the language that an LEP individual may request. The City may also utilize this service to translate any documents that may be requested from an LEP individual on an as-needed basis. The City will also provide a link to web-based translation services for its website on the home page.

Based on the four-factor analysis, the following LEP Plan has been established to identify how the City and SACRT address the LEP populations identified in factor 1, and the specific resources that are available to address their needs

Limited English Proficiency (LEP) Plan Outline

There are five areas that comprise the City of Citrus Heights's LEP Plan

1. Identifying LEP individuals who need language assistance
2. Language assistance measures
3. Training Staff
4. Providing Notice to LEP person
5. Monitoring and updating the LEP Plan

1. Identifying LEP individuals who need language assistance

How the City of Citrus Heights Transit Services may identify an LEP person who needs

language assistance

- All SACRT buses include a Title VI Notification Poster that identifies the opportunity for LEP individuals to receive translation services. For the two LEP language groups identified in Factor 1 (Spanish and Russian), a phrase in each specific language (as well as other languages) is identified to direct that LEP individual to a phone translation service that the City provides free of charge (see Appendix A).
- City and/or contract staff examine CSA and Transit Administration records for language assistance requests that have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events. Based on the City's current record, Spanish is the only language that LEP individuals have requested translation services for, both oral and in writing.
- Language Identification Flashcards (see Attachments 1 and 2), which include phrases in Spanish and Russian, are provided in each bus so that an LEP individual boarding the bus can identify to the driver the specific language they need assistance with. The driver can then either immediately contact the language translation service directly, or refer the LEP individual to the language translation service for further assistance.
- When the City of Citrus Heights Transit Services sponsors an event, a staff person is always available to greet participants as they arrive. By informally engaging participants in conversation it is possible to informally gauge each attendee's ability to speak and understand English. Since some of the current Regional Transit Services staff members speak Spanish, staff has the ability to proactively engage with LEP individuals that may need Spanish translation.
- SACRT's website and the City's website each identify a phone number that LEP individuals can call to contact administrative staff members for translation assistance. This phone number and phrase are translated into Spanish and Russian on the SACRT website. Administrative staff at the City or at SACRT (transit service provider) office can then directly contact the language assistance translation service for assistance with the LEP individual.

2. Language Assistance Measures

There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which the City of Citrus Heights staff responds to LEP persons, whether in person, by telephone or in writing.

How the City of Citrus Heights will assist an LEP person who needs language assistance:

- When an interpreter is needed, in person or on the telephone, staff will utilize the translation services currently provided by LanguageLine Solutions.
- The City of Citrus Heights transportation staff and SACRT (transit service provider) will continue to network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on City transit programs and services. The City currently partners with the Asian Resource Center

and the Citrus Heights Collaborative to distribute transit service materials and solicit public engagement from LEP populations.

- The City will strive to make bilingual assistance available at community events and public meetings, workshops or events addressing major service changes. All public notices for any service change or fare increase workshop and/or public comment period include a statement that translation services are made available upon request, provided that the hosting agency is contacted with this request at least 72 hours in advance of any workshop.
- Language Identification Flashcards are provided on each bus vehicle as part of the Title VI compliance program by SACRT (City's transit service provider).
- The City of Citrus Heights Title VI Policy, Title VI Complaint Form (Appendix A), and LEP Plan will be posted on the City's website, www.citrusheights.net.
- The City will ensure the transit service provider (SACRT) updates its website to include a general summary of route schedules, pricing, and ticket purchase information for local and commuter transit services and the City will have link on its website (Spanish, Russian, etc.).
- The City will target LEP outreach to neighborhood areas where specific language concentrations exist, such as demonstrated by the census tract mapping tool: <http://statisticalatlas.com/place/California/Citrus-Heights/Languages>.
- The City will provide web-based translation service link/s on its website.

3. Staff training

How the City of Citrus Heights will train staff on its role and responsibilities in providing meaningful access to services for LEP persons:

- Administrative staff will develop or utilize existing materials to ensure City and contractor staff are educated on the Title VI LEP requirements for providing meaningful access to services for LEP persons.
- City transportation staff will ensure City contracted transit service providers have education programs in place for their staff.
- All administrative and contract staff will be provided with information regarding the language assistance services offered by the City of Citrus Heights through LanguageLine Solutions.
- Staff will be provided with specific procedures to be followed when encountering an LEP person, including how to handle a potential Title VI LEP complaint.
- Bus drivers, CSA, and administrative staff of any City contracted transit service providers (SACRT) and City offices staff will be instructed on how to use the U.S. Census Bureau Language Identification Flashcards and other Language Identification Cards provided through the City's contracted translation services (Appendix C, Attachments 1 and 2).

4. Providing notice to LEP persons

How the City of Citrus Heights will provide Notice to LEP Persons, both oral and written communications:

- General information, such as operation hours of the transit system, etc., is provided through SACRT's (City's transit services contractor) customer service line at 916.321.2877. At SACRT and at City offices, limited English-speaking callers are assisted via Language Line Solutions service.
- Vital documents (defined as those documents without which a person would be unable to access services) will be professionally translated on an as-needed basis, provided that an LEP individual contact SACRT or the City customer service line and request translation assistance.
- The following written communications related to transit are currently provided by SACRT (City's contracted transit service provider), in the following languages:
 - English and with notification in English, Russian Spanish, Vietnamese, Tagalog and Chinese that translation other languages is available upon request (see Appendix A):
 - The SACRT Bus and Light Rail timetable book provides basic information in Spanish, Russian, Chinese, Vietnamese and Hmong, including information about fares, telephone information, SACRT's Customer Service and Sales Center information, and basic information how to ride SACRT buses and light rail trains.
 - Printed Individual Route Pocket Timetables are provided by SACRT on buses and light rail trains, at the SACRT Customer Service and Sales Center, and distributed to libraries, schools, colleges and other high traffic destinations by RT and by City staff.
 - Basic information is provided on how to obtain telephone information is posted by SACRT in English, Spanish, Russian, Chinese, Vietnamese and Hmong on kiosk signs at light rail stations: For Route, schedule and fare information, call 916-321-BUSS (2877) or visit www.sacrt.com. This signage will also be posted in English, Spanish and Russian at City Hall.
 - Icons and symbols: SACRT utilizes international symbols in its signage in order to communicate with non-English speaking customers, as well as customers who are unable to read written English language. Pictograms were incorporated by SACRT and included on updated signage in 2013. The City also utilizes international symbols as the preferred minimum signage wherever allowed by the Manual of Uniform Traffic Control Devices (MUTCD) throughout the City's transportation network.
 - Information is provided about the City of Citrus Heights' non-discrimination policies and information on the local/federal complaint process and place on the City website as well as on SACRT's website.

5. Monitoring and updating the LEP Plan

This plan is designed to be flexible, and should be viewed as a work in progress. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services. The City of Citrus Heights will update the LEP as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when new data becomes available, or when it is clear that higher concentrations of LEP individuals are present in the City of Citrus Heights

transportation service area.

How the City of Citrus Heights will examine and update the LEP Plan:

- Record and report on the number of LEP persons encountered annually directly through the City as well as receive reports from the contracted transit service provider (SACRT);
- Determine how the needs of LEP persons have been addressed;
- Determine the current LEP population in the service area and whether the need for translation services has changed;
- Determine whether local language assistance programs have been effective and sufficient to meet the need;
- Determine whether the City of Citrus Heights Transit Services' financial resources are sufficient to fund language assistance resources needed;
- Determine whether the City of Citrus Heights and its contractor/s have fully complied with the goals of this LEP Plan;
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals; and
- Obtain input from transit customers via an annual Passenger Satisfaction Survey.

Dissemination of the City of Citrus Heights Transit Services LEP Plan

How the City of Citrus Heights Transit Services' LEP Plan will be disseminated to customers and the community:

A link to the LEP Plan and the Title VI Plan will be included on the City's website


www.citrusheights.net .

The City of Citrus Heights's LEP Plan will also be shared with human service organizations in its service area. Any person or agency with internet access will be able to access and download the plan from the City's website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided copy of the plan at no cost. LEP individuals may request copies of the plan in translation which the City of Citrus Heights will provide, if feasible.

Questions or comments regarding the LEP Plan may be submitted to the City of Citrus Heights as follows:

Mary Poole, Operations Manager
City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621
Phone: (916) 727-4770
Fax: (916) 727-1454
mpoole@citrusheights.net

Appendix C - Attachment 1 – U.S. Census Bureau Language Identification Flashcard

	<div>U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. CENSUS BUREAU</div> <div>LANGUAGE IDENTIFICATION FLASHCARD</div>
<p>Hello, I'm from the U.S. Census Bureau. Is someone here now who speaks English and can help us? If not, please write your phone number and someone will contact you in English.</p>	01. English
<p>Buenos días (Buenas tardes), soy de la Oficina del Censo de los Estados Unidos. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, por favor, anote su número de teléfono y alguien se comunicará con usted en español.</p>	02. Español/ Spanish
<p>Përshëndetje, unë vij nga Zyra e Regjistrimit të Popullsisë së Sh.B.A-së. A ndodhet dikush tani këtu që flet anglisht dhe mund të na ndihmojë? Nëse jo, ju lutemi shkruani numrin e telefonit tuaj dhe dikush do t'ju kontaktojë në gjuhën shqipe.</p>	03. Shqip/ Albanian
<p>እንደምንት ፣ ከአሜሪካ የሕዝብ ቆጠራ ቢሮ ነኝ ። አሁን እንግሊዝኛ ቋንቋ የሚናገር እና ሊረዳን የሚችል ሰው አለ? ከሌለ እባክዎን የስልክ ቁጥርን ይጻፉልንና በአማርኛ የሚያናግርዎት ይጻፉልን።</p>	04. ቁሽርቁሽል/ Amharic
<p>مرحبًا، أنا من مكتب الإحصاء الأمريكي. هل يوجد هنا الآن شخص يتحدث الإنجليزية ويمكنه مساعدتنا؟ إذا كان لا يوجد، فلارجاء كتابة رقم هاتفكم وسيتصل بكم أحد الأشخاص بلغة العربية.</p>	05. العربية/ Arabic
<p>Բարև Ձեզ, Ես ԱՄՆ-ի Մարդահամարի Բյուրոյից եմ: Ներկա՞ է արդյոք մեկը, որը խոսում է Ամերիկացիների և կարող է մեզ օգնել: Եթե ոչ, մերեք Ձեր հեռախոսի համարը և Ձեզ հետ կկապվեն Յայտերենով:</p>	06. Յայտերեն/ Armenian
<p>হ্যালো, আমি ইউ.এস. সেন্সাস বিউরো থেকে এসেছি। এখানে এখন এমন কেউ আছেন কি যিনি ইংরেজি বলতে পারেন এবং আমাদের সাহায্য করতে পারেন যদি তেমন কেউ না থাকে, আপনার ফোন নম্বর লিখে দিন এবং আপনার সঙ্গে একজন বাংলায় যোগাযোগ করবেন।</p>	07. বাংলা/ Bengali
<p>Разрешете да ви се представя, аз съм служител на Бюрото по преброяване на населението на САЩ. Има ли тук някой, който говори английски и би могъл да ни помогне? Ако няма, моля, напишете своя телефонен номер, за да може някой от нашите служители да ви се обади на български.</p>	08. български/ Bulgarian

U S C E N S U S B U R E A U




D-3309 (09-24-2008)

<p>* နူသယူၤၤမသာ အုနု နု ဃနုညျကျ ကြမနုကော့ၤၤညာနုသညနု. နမနု ညသတ တုသ ပုစနုၤ နညျၤၤၤ ခညေ. နုစ ကျိ ညသအယ နုနုဗျနု တမအနု ပသကမ စုသညနု ညကာဘနုမ ခညေ ညာနုသညနု တုၤ ခသညအခေအ ပသက ငည နညျၤၤၤ.</p>	09. မြန်မာ/ Burmese
<p>សូម្បី ខ្ញុំមកពីការិយាល័យជំរឿនរបស់សហរដ្ឋអាមេរិក ទូ ប្ប ។ ជំនេសុស ពូរពូច ។ តើមាននរណាទៅ មិនទាន់ដឹងនិយាយភាសាអង់គ្លេសហើយអាចជួយយើងបានទេ ? ប្រសិនបើមិនមានទេ សូមសរសេរ លេខទូរស័ព្ទរបស់អ្នកមក ហើយនរណាម្នាក់នឹងទាក់ទងអ្នកជាភាសាខ្មែរ ។</p>	10. ភាសាខ្មែរ/ Cambodian
<p>您好。我是为美国人口普查局工作的。您这里有没有会说英语的人可以帮助我们？如果没有，请写下您的电话号码，然后将有人用中文与您联系。</p>	11. 中文/ Chinese (Simplified)
<p>您好。我是为美國人口普查局工作的。請問您這里有沒有會說英語的人可以幫助我們？如果沒有，請寫下您的電話號碼，之後將有人使用中文與您聯絡。</p>	12. 中文/ Chinese (Traditional)
<p>Dobar dan, ja sam iz Američkog biroa za cenzus. Ima li ovdje nekoga tko govori engleski i može nam pomoći? Ako nema, molim Vas da napišete svoj broj telefona, pa ćemo stupiti s Vama u kontakt na hrvatskom jeziku.</p>	13. hrvatski/ Croatian
<p>Dobrý den, jsem z Amerického úřadu pro sčítání lidu (U.S. Census Bureau). Je zde někdo, kdo hovoří anglicky a může nám pomoci? Pokud ne, napište prosím své telefonní číslo a někdo Vás bude kontaktovat v češtině.</p>	14. čeština/ Czech
<p>سلام، من در دفتر نفوس شماری، در ایالات متحدهء امریکا ایفای وظیفه مینمایم. آیا همراه شما، همین لحظه کسی است که با لسان انگلیسی آشنایی داشته باشد و ما را کمک کرده بتواند؟ اگر نیست، پس لطفاً نمبرتلیفونتانرا بدهیفتا به لسان هندی با شما در تماس شویم.</p>	15. دری/ Dari
<p>Kudual, ʁɛn ʁɛ raan de maktam de kuɛn de koc de Amerika. Nɔŋ raan ʁɛ jam ɛ thon de Linglith lɛu bɛ wok kony ɛ kɛ looiku? Na liu, ke yĩ gɔɔr telepundu ku anɔŋ raan bɛ yĩn col ɛ thuɔŋjǎŋ.</p>	16. Thuɔŋjǎŋ/ Dinka
<p>Hallo, ik ben van het Amerikaanse Census Bureau. Is er iemand hier die Engels spreekt en ons kan helpen? Als dat niet zo is, wilt u dan uw telefoonnummer opschrijven? Dan zal iemand telefonisch contact met u opnemen in het Nederlands.</p>	17. Nederlands/ Dutch

<p>سلام. من یک کارمند اداره سرشماری ایالات متحده هستم. آیا کسی حالا اینجا هست که به زبان انگلیسی صحبت میکند و میتواند به ما کمک کند؟ اگر کسی نیست، لطفاً شماره تلفنتان را بنویسید، و یک نفر به زبان فارسی با شما تماس خواهد گرفت.</p>	18. فارسی/ Farsi
<p>Bonjour, je travaille pour le Bureau de Recensement des États-Unis. Y a-t-il quelqu'un ici qui parle anglais et puisse nous aider ? Sinon, notez votre numéro de téléphone pour que quelqu'un puisse vous contacter en Français.</p>	19. Français/ French
<p>Guten Tag, ich komme im Auftrag des Bundesbüro zu Durchführung von Volkszählungen. Kann ich mit jemandem sprechen, der Englisch spricht und der uns helfen kann? Wenn nicht, schreiben Sie bitte Ihre Telefonnummer auf und es wird sich jemand in deutscher Sprache mit Ihnen in Verbindung setzen.</p>	20. Deutsch/ German
<p>Γειά σας, Είμαστε από την Υπηρεσία Απογραφής των ΗΠΑ. Είναι κανείς εδώ αυτή τη στιγμή που μιλάει Αγγλικά να μας εξυπηρετήσει; Αν όχι, παρακαλώ σημειώστε το τηλέφωνό σας και θα επικοινωνήσει κάποιος μαζί σας στα ΕΛΛΗΝΙΚΑ.</p>	21. Ελληνικά/ Greek
<p>Bonjou, mwen se anpwlaye biwo resansman ameriken. Èske m ka pale ak yon moun nan kay la ki konn pale anglè ? Si pa gen moun nan kay la ki pale anglè, tanpri ekri nimewo telefòn ou pou yon moun kki pale kreyòl ayisyen rele w.</p>	22. kreyòl ayisyen/ Haitian Creole
<p>שלום, אני ממושרד מפקד האוכלוסין של ארצות הברית. האם יש כאן מישהו ברגע זה שמדבר אנגלית ויכול לעזור לנו? במידה ולא, אנא כתבו את מספר הטלפון שלכם ומישהו ייצור קשר איתכם בשפה העברית.</p>	23. עברית/ Hebrew
<p>हेलो, मैं यू.एस. जनगणना ब्यूरो से हूँ। क्या अभी यहां ऐसा कोई व्यक्ति है जो अंग्रेजी बोलता हो और हमारी मदद कर सकता हो? यदि नहीं, तो कृपया अपना फोन नंबर लिखें और कोई व्यक्ति आपसे हिन्दी में संपर्क करेगा।</p>	24. हिन्दी/ Hindi
<p>Nyob zoo. Kuv tuaj hauv Teb Chaws Asmeskas Chaw Suav Pej Xeem tuaj. Puas muaj leej twg nyob hauv tsev uas txawj lus Askiv thiab pab tau peb? Yog tsis muaj, thov sau koj tus xov tooj tseg, mam li muaj ib tug neeg hais lus I Imoob hu tuaj rau koj.</p>	25. Hmoob/ Hmong
<p>Jó napot kívánok, az Egyesült Államok Népszámlálási Hivatalától vagyok. Van a közelben valaki, aki beszél angolul, és segíteni tud nekünk? Ha nem, kérem, írja le a telefonszámát, és kapcsolatba fogunk lépni Önnel magyarul.</p>	26. Magyar/ Hungarian

<p>Hello, taga Census Bureau ako ng U.S. Adda kadi kadakayo nga makapagsarita ti English ken mabalin nga tumulong kaniami? Nu awan paki surat yo iti numero iti telepono yo ta adda iti tumawag kaniayo nga ag Ilocano.</p>	27. Ilocano/ Ilocano
<p>Salve, chiamo da parte del Census Bureau degli Stati Uniti. C'è qualcuno che parla inglese ed è in grado di aiutarci? In caso negativo, scriva il numero di telefono e sarà contattato da qualcuno che parla Italiano.</p>	28. Italiano/ Italian
<p>こんにちは。私は米国勢調査局の係員です。こちらには英語を理解できこの調査にご協力いただける方がいらっしゃいますか？もしない場合は、あなたのお電話番号をお書きいただければ、日本語を話す係員が連絡をいたします。</p>	29. 日本語/ Japanese
<p>안녕하세요. 저는 미국 인구조사국에서 일하고 있습니다. 영어를 사용하시는 분 중에 저희를 도와 주실 수 있는 분이 여기 계십니까? 없으신 경우, 전화번호를 적어주시면 한국어를 할 수 있는 직원 이 연락을 드릴 것입니다.</p>	30. 한국어/ Korean
<p>ສະບາຍດີ, ຂ້າພະເຈົ້າ ມາຈາກສຳນັກງານສຳຫຼວດພົນລະເມືອງ ແຫ່ງສະຫະລັດອາເມລິກາ. ມີໃຜຢູ່ທີ່ນີ້ ສາມາດເວົ້າພາສາອັງກິດ ແລະ ຊ່ວຍເຫຼືອພວກເຮົາໄດ້ບໍ່? ຖ້າບໍ່ມີ, ກະລຸນາຂຽນເລກ ໂທລະສັບຂອງທ່ານ ແລະ ພວກເຮົາ ຈະຕິດຕໍ່ຫາທ່ານ ເປັນພາສາລາວ.</p>	31. ພາສາລາວ/ Laotian
<p>Sveiki, aš esu iš JAV Gyventojų surašymo biuro. Ar čia dabar yra kas nors, kas kalba angliškai ir galėtų mums padėti? Jei ne, prašome užrašyti savo telefono numerį ir su jumis susisieks lietuvių kalba.</p>	32. Lietuvių/ Lithuanian
<p>ഹലോ, ഞാൻ യു എസ് സെൻസസ് ബ്യൂറോയിൽ നിന്നാണ്. ഇംഗ്ലീഷ് സംസാരിക്കുന്ന ആരെങ്കിലും ഇപ്പോൾ ഇവിടെയുണ്ടോ ഞങ്ങളെ സഹായിക്കാൻ? ഇല്ലെങ്കിൽ, നിങ്ങളുടെ ടെലിഫോൺ നമ്പർ എഴുതി നൽകുക. മലയാളത്തിൽ സംസാരിക്കുന്ന ആരെങ്കിലും താങ്കളെ ബന്ധപ്പെടും.</p>	33. മലയാളം/ Malayalam
<p>Yá'át'ééh, Neeznáa nináhááágo Bila'ashdla'ii náóltah bił haz'á bá naashnish. Háidaaish kóó Bilagáanaa biq zaad yee yálti'ígíí hóó? 'Ádingo 'éi nibéésh bee hane'é nihá 'ádííííit dóó t'áá háida t'áá Diné Bizaad yee yálti'ígíí nich'í'í' náhodoolnih.</p>	34. Diné Bizaad/ Navajo
<p>नमस्ते, म अमेरिकाको जनगनना अफिसबाट आएको । यहाँ अंग्रेजी बोल्न जान्ने अन्त हामीलाई मदत गर्नसक्ने कोहि मान्छे छन ? नभा, तपाईंको फोन नम्बर लेखिदिनु अनि कसैले तपाईंसित नेपाली भाषामा कुरा गर्नेछन् ।</p>	35. नेपाली/ Nepali

ਹੈਲੋ, ਮੈਂ ਜੂ.ਐੱਸ. ਜਨਗਣਨਾ ਬਿਊਰੋ ਵਲੋਂ ਆਇਆ/ਆਈ ਹਾਂ। ਕੀ ਇਥੇ ਕੋਈ ਅੰਗਰੇਜ਼ੀ ਬੋਲ ਸਕਦਾ ਹੈ ਅਤੇ ਸਾਡੀ ਮਦਦ ਕਰ ਸਕਦਾ ਹੈ? ਜੇ ਨਹੀਂ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਆਪਣਾ ਟੈਲੀਫੋਨ ਨੰਬਰ ਲਿਖ ਦਿਉ ਅਤੇ ਕੋਈ ਭੁਹਾਨੂੰ ਪੰਜਾਬੀ ਵਿੱਚ ਸੰਪਰਕ ਕਰੇਗਾ।	36. ਪੰਜਾਬੀ/ Panjabi
Dzień dobry. Jestem z Amerykańskiego Biura Spisu Ludności. Czy ktoś tutaj mówi po angielsku i mógłby nam pomóc? Jeżeli nie, proszę napisać swój numer telefonu, a ktoś skontaktuje się z Państwem po polsku.	37. Polski/ Polish
Olá, sou do Serviço de censo dos Estados Unidos. Alguém aqui fala inglês e pode nos ajudar? Caso contrário, escreva seu telefone e alguém vai entrar em contato com você em português.	38. Português/ Portuguese
Bună ziua, sunt de la Biroul de Recensământ al S.U.A. Este cineva aici, în acest moment, care vorbeşte engleză şi ne poate ajuta? Dacă nu, vă rog scrieţi-vă numărul de telefon şi cineva vă va contacta telefonic în română.	39. Română/ Romanian
Здравствуйте! Я представляю Бюро переписи населения Соединенных Штатов. Присутствует здесь кто-нибудь, кто говорит по-английски и мог бы помочь нам? Если нет, то, пожалуйста, напишите свой телефонный номер, чтобы наши сотрудники могли побеседовать с вами по-русски.	40. русский/ Russian
Добар дан, ја сам из Америчког бироа за попис становништва. Да ли овде има некога ко говори енглески и може да нам помогне? Ако нема, молим Вас да напишете свој број телефона, па ћемо контактирати с Вама на српском језику.	41. српски/ Serbian
Hallo, Waxaan anigu ka tirsanahay Xafiiska Tirakoobka Mareykanka. Halkan ciddi ma Joogta hadda oo ku hadasha Ingiriisiga oo na caawin karta? Haddi kalese, fadlan qor lambarka talafoonkaaga markaasna qof ayaa kugulasoo xidhiidhi doona adiga Soomaalliga.	42. Soomaali/ Somali
Halo, nimetoka Shirika la Sensa la Merika Je, kuna mtu hapa sasa anayezungumza Kiingereza na anaweza kutusaidia? Ikiwa hakuna, tafadhali andika nambari yako ya simu na mtu atawasiliana na wewe kwa Kiswahili.	43. Kiswahili/ Swahili
Hello, Ako'y galing sa U.S. Census Bureau. Mayroon ba ditong marunong magsalita ng Ingles at makakatulong sa amin ngayon? Kung wala, pakisulat ang telepono ninyo at may tatawag sa inyo sa Tagalog.	44. Tagalog/ Tagalog

Mongolian	Монгол 
<p>Танай хэлээ маа. Орууламч, дууламлаа. Орууламчийг хуламжаа. Танай үгсийг байх болно.</p>	
Thai	ไทย 
<p>สวัสดีค่ะ/ครับ. สวัสดีค่ะ/ครับ. สวัสดีค่ะ/ครับ. การต้อนรับ. สวัสดี. สวัสดี. สวัสดี.</p>	
Vietnamese	Việt Nam 
<p>Hãy chào người anh/ chị/ quý vị. Một thành tích viên sẽ được gọi đến, quý vị sẽ không phải trả tiền cho thông dịch viên.</p>	

Appendix D

Sub-recipient Compliance with Title VI Requirements

The following provisions are incorporated into all Construction Agreements and Contracts over \$10,000 that utilize Federal funding in order to notify any subrecipients, or contractors, of their obligations to comply with Title VI requirements. By signing the contract, the subrecipient, or contractor, acknowledges that they will comply with the Title requirements. In addition, documentation is required to be submitted by contractors in order to ensure compliance.

See Appendix D Attachment 1: Required Contract Provisions Federal-Aid Construction Projects (FHWA 1273 Revised May 1, 2012)

Appendix D – Attachment 1
Required Contract Provisions Federal-Aid Construction Projects
(FHWA 1273 Revised May 1, 2012)

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.