



REGIONAL TRANSPORTATION AUTHORITY

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

SECTION 601

SPECIFIC TO FEDERAL TRANSIT ADMINISTRATION PROGRAMS

AUGUST 2006

REGIONAL TRANSPORTATION AUTHORITY

BOARD OF DIRECTORS

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INTRODUCTION

This Title VI Report of the Regional Transportation Authority (RTA) has been developed pursuant to the Federal Transit Administration (FTA) Circular 4702.1.

The objective of the RTA Report is to ensure that: (1) the benefits and services of FTA-assisted transit activities are made available to, and are fairly and adequately distributed among beneficiaries without regard to race, color, or national origin; (2) the opportunity and ability of persons to participate in transit planning, programming and implementation is not limited on the basis of race, color or national origin; and (3) corrective, remedial, and affirmative action is taken to eliminate and prevent discriminatory treatment on the basis of race, color or national origin.

I. General Requirements

- a. As of August, 2006 there are no active lawsuits or complaints against the Regional Transportation Authority (RTA) alleging discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. The RTA has no pending applications for financial assistance to any Federal agency other than the Federal Transit Administration (FTA).
- c. The FTA conducted a Triennial Review of the RTA in February, 2005 and June, 2005. In a Letter of Findings dated July 22, 2005, the FTA determined that the RTA was in compliance with the FTA requirements for Title VI.
- d. The most recently signed Annual Certifications and Assurances is dated February 3, 2006.

II. Program Specific Requirements

The RTA serves as the financial oversight agency for mass transportation in Northeastern Illinois, and is not involved in the construction of transit facilities or the day-to-day operating aspects of providing transit services. These services and construction projects are provided by the Service Boards (Chicago Transit Authority, Metra Commuter Rail Division and Pace Suburban Bus Division) that individually certify compliance with the Title VI Program.

FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

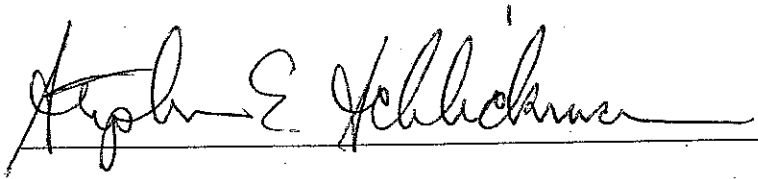
The Regional Transportation Authority HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

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

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

Stephen E. Schlickman
Executive Director
Regional Transportation Authority

DATE: August 11, 2006


BRL
8/11/06

DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

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

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

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

The Regional Transportation Authority, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under FTA Funded Programs; and (b) for the construction or use of or access to space on, over, or under real property acquired or improved under Title VI.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantees that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

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

DATE: _____

Regional Transportation Authority

By _____

Stephen E. Schlickman
Executive Director

Attachments:
Appendices A, B, and C

[APPENDIX A TO TITLE VI ASSURANCE]

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

- [1] Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT"), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- [2] Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- [3] Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- [4] Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Regional Transportation Authority (RTA) or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Regional Transportation Authority, or the Federal Transit Administration (FTA), as appropriate, and shall set forth what efforts it has made to obtain the information.

- [5] Sanctions of Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Regional Transportation Authority (RTA) shall impose contract sanctions as it or the Federal Transit Administration (FTA) may determine to be appropriate, including, but not limited to:
- [a] withholding of payments to the contractor under the contract until the contractor complies; and/or
 - [b] cancellation, termination, or suspension of the contract, in whole or in part.
- [6] Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Regional Transportation Authority (RTA) or the Federal Transit Administration (FTA) may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Regional Transportation Authority (RTA) to enter into such litigation to protect the interests of the Regional Transportation Authority (RTA), and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

[APPENDIX B TO TITLE VI ASSURANCE]

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

[GRANTING CLAUSE]

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Regional Transportation Authority will accept title to the lands and maintain the project constructed thereon, in accordance with the Federal Transit Administration Act of 1964, as amended, the Regulations for the Administration of the FTA Funded Programs and the policies and procedures prescribed by Federal Transit Administration (FTA) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Regional Transportation Authority all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

[HABENDUM CLAUSE]

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

The Regional Transportation Authority, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (,) (and)* (2) that the Regional Transportation Authority shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

[APPENDIX C TO TITLE VI ASSURANCE]

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

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

[Include in Licenses, Leases, permits, etc.]*

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

[Include in deeds]*

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

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

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use

of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [grantee, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

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

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

[Include in deeds]*

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

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.