



## State of New Jersey

DEPARTMENT OF TRANSPORTATION  
P.O. Box 600  
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY  
*Governor*

DIANE GUTIERREZ-SCACCETTI  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

August 31, 2023

**Via USPS and Email Transmission To: [Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)**

Mr. Kennie J. May, Sr., Director  
Federal Motor Carriers Safety Administration  
Office of Civil Rights  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Mr. May:


Attention: Lester Finkle, Title VI Manager

Enclosed for your review and approval is the New Jersey Department of Transportation, Title VI Nondiscrimination Plan Addendum for the Federal Motor Carrier Safety Administration (FMCSA). This addendum includes the FMCSA Title VI Assurances and Directives required by the Civil Rights Act of 1964 and corresponding regulations (see Attachments 1 and 2).

The Motor Vehicle Commission will submit their Title VI Nondiscrimination Plan directly to the FMCSA. The New Jersey State Police will also submit their Title VI Nondiscrimination Plan to the FMCSA separately. Our Title VI Nondiscrimination Unit will review and approve their submission upon receipt and notify FMCSA accordingly.

Should you have any questions or need additional information regarding the enclosed document, please contact Chrystal Section, Supervisor of Nondiscrimination Programs, who can be reached by email [chrystal.section@dot.nj.gov](mailto:chrystal.section@dot.nj.gov) or phone at 609-963-2046.

Sincerely,

  
Vicki Tilghman Ansley, Director  
Division of Civil Rights/Affirmative Action

c: Chrystal Section - NJDOT



## **New Jersey Department of Transportation**

# **Title VI Program Compliance Plan**

## **Federal Motor Carrier Safety Administration**

### **FMCSA 2024**

**New Jersey Department of Transportation  
PO Box 600  
Trenton, NJ 08625-0600**

**FMCSA Programs-Grant Information**

This grant applies for \$11,157, 256.00 in Motor Carrier Safety Assistance Program (MCSAP) funds for the Federal Fiscal Year 2024.

The MCSAP is a Federal grant program that provides financial assistance to States, including the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands to reduce the number and severity of crashes and hazardous material incidents involving Commercial Motor Vehicles (CMVs). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs and initiatives. Investing grant funding in appropriate safety programs will increase the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices will be detected and corrected before they become contributing factors to accidents. The MCSAP also sets forth the conditions for participation by States and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Hazardous Material Regulations (HMRs) for both interstate and intrastate motor carriers and drivers.

NJDOT is the designated lead agency for the administration and oversight of the MCSAP activities.

**Title VI Nondiscrimination Policy Statement**

It is the policy of the New Jersey Department of Transportation (NJDOT) to effectuate Title VI of the Civil Rights Act of 1964 and NJAC 10:5-31 et. seq. which provide in part that no person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity which is administered by the NJ Department of Transportation. The policy below applies to NJDOT and all of its sub-recipients.

NJDOT is committed to both the intent and spirit of Title VI of the Civil Rights Act of 1964 and its implementing statutes. Title VI prohibits discrimination based upon race, color and national origin. NJDOT's Title VI Program is integrated throughout all the various program areas, and we have created a multidisciplinary approach to achieve full Title VI compliance.

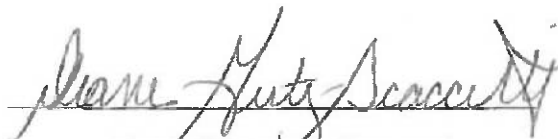
**Title VI Nondiscrimination Policy Statement Federal Motor Carrier Safety Administration (FMCSA)**

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, 49 CFR Part 21 and CFR 49 Part 303, related statues or Executive Orders, FMCSA Title VI Assurances including Appendix A-E and N.J.A.C. 10:5-31 et seq. which provide in part, that:

*"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA."*

Any person who believes that, because of his or her race, color, national origin, sex, age, disability, low-income, or ability to read, write or speak English, he or she has been excluded from participation in any program or activity being administered by the New Jersey Department of Transportation, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey Department of Transportation  
 Division of Civil Rights and Affirmative Action  
 1035 Parkway Avenue  
 PO Box 600  
 Trenton, NJ 08625  
 Contact: Director of Civil Rights and Affirmative Action  
 Telephone: (609) 963-2047



**Diane Gutierrez-Scaccetti**  
**Commissioner**

July 10, 2023

**Date**

Figure 1-Title VI Policy Statement

**Notification to Beneficiaries/Participants**

NJDOT's policy is available on our website for public information and is posted in public areas at our headquarters as well as at our two regional facilities. NJDOT's Commissioner has signed a Title VI Policy and corresponding Assurances that specifically address funding received from FMCSA (see Attachments 1 and 2). A Title VI notice is provided to all sub-recipients of NJDOT advising them of their Title VI responsibilities. Sub-recipients are required to post the notice in the public areas of their facilities and project sites.

**Sub-Recipients of MCSAP**

There are two MCSAP sub-recipients whose funds pass through NJDOT which includes the New Jersey State Police (NJSP) and the Motor Vehicle Commission (MVC). The MVC is responsible for regulating and inspecting all commercial bus traffic statewide. The NJSP is the enforcement agency primarily responsible for the regulation of CMV and Hazardous Material transportation within the State.

Each of the sub-recipients have adopted similar Civil Rights and Nondiscrimination informational material which can be found on their respective websites and will be detailed in their individual Title VI/Nondiscrimination Plans.

**Sub-Recipient Compliance**

NJDOT's Division of Civil Rights conducts desk audits of MVC and NJSPT. The sub-recipients are required to develop and submit a Title VI Policy Statement along with Title VI Assurances to the Division for compliance purposes.

MVC submitted its Title VI Program Compliance Plan FY 2023 on 1/27/23 which includes the signed Title VI Policy Statement and Title VI Assurances, both dated 1/26/23 (see Attachment 3).

NJSP submitted its Title VI Program Compliance Plan FY 2023 on 1/4/23 which includes the signed Title VI Policy Statement and Title VI Assurances, both dated 12/29/22 (see Attachment 4).

Both MVC and NJSP's representatives were contacted August 2023 and advised to submit their FY 2024 Title VI Program Compliance Plans to FMSCA and to copy NJDOT by January 1, 2024.

The Department's Title VI Unit conducts compliance reviews of sub-recipients to ensure that persons are not excluded from participation in any program or activity being administered, or denied any benefit provided by such program or activity. These review measures also ensure that no person has been discriminated against based on race, color, national origin, sex, age, limited English proficiency, low-income, disability or other protected category. NJDOT follows the same procedures for sub-recipients of FMCSA funding.

In addition to the compliance reviews, the Title VI Coordinator works closely with sub-recipients to ensure Title VI compliance. The Coordinator provides technical guidance and assistance in correcting any deficiency and completing all requirements, as needed.

**Training**

NJDOT is committed to providing periodic Title VI Nondiscrimination training for all department staff. These efforts help ensure a basic understanding of and continued compliance with Title VI and its related nondiscrimination mandates in all the department's programs and activities.

**Access to Records**

Upon request for information or documentation regarding NJDOT's Title VI Nondiscrimination Program, the information will be provided to FMCSA during normal business hours.

**Complaint Disposition Process**

NJDOT will investigate written complaints that have been filed by any person or class of persons who believe they have been subjected to discrimination or retaliation based on race, color, sex, national origin, low-income or disability.

To file a complaint, an individual or his/her representative should:

- Write and sign the complaint and include the complainant's name, address and telephone.
- Initiate the filing no more than 180 days after the date of the alleged act of discrimination; the date when the individual(s) became aware of the alleged discrimination; or where there has been a continuing course of conduct, the date that the conduct was discontinued or the latest instance of the conduct.

The Director of the Division of Civil Rights and Affirmative Action will acknowledge in writing the receipt of every complaint filed with the Department, within ten business days of receiving it. If additional information is required, the Director will extend the response time by ten business days. If the complaint is rejected, the Director will inform the complainant of the appropriate appeal authority and set up a timeline for an appeal.

With the complainant's consent and in the best interests of all parties involved in the complaint, attempts may be made to resolve the matter informally. However, if the complainant is dissatisfied with NJDOT's decision, he or she may bring the matter to the attention of the US Department of Transportation and the US Department of Justice.

If the complaint is deemed to have merit, the Title VI Coordinator will supervise a thorough investigation and submit a written Report of Findings to the Department's Director of Civil Rights and Affirmative Action for determination.

Within 60 days of the receipt of the complaint, NJDOT will notify the complainant of the Department's findings, the proposed disposition of the matter, the avenues available for appeal and the timeline to appeal if there is dissatisfaction with the Department's decision. The proposed remedy will include the actions necessary to correct and prevent future occurrences.

NJDOT will issue a letter of findings for all investigations processed completed and/or develop informal settlements and resolutions for all complaints processed. In accordance with regulations at 23 CFR 200, NJDOT will forward a copy of the complaint and a copy of the State's report of the investigation to the FHWA Division Office within 60 days of the date the complaint was received. The FHWA may grant an extension of an additional 60 days for justifiable reasons. NJDOT has the responsibility to periodically inform the FHWA, New Jersey Division Office of the status of all complaints.

Sub-recipients are required to investigate their own complaints. The agency, itself should carry out its responsibilities to be the first line of defense and course of redress for Title VI/Nondiscrimination complaints. If the agency is unable to satisfactorily resolve a complaint, the agency should forward the complaint, along with a record of its disposition to NJDOT's Division of Civil Rights and Affirmative Action (Title VI Coordinator) or, if the complainant disagrees with a decision rendered by the agency, the complainant has the right to request an appeal to NJDOT or the appropriate Federal agency, as applicable, for final determination. NJDOT requires its sub-recipients to notify the Division of Civil Rights and Affirmative Action (Title VI Coordinator) of any Title VI/Nondiscrimination complaints received.

NJDOT will provide FMCSA with a copy of the complaint along with NJDOT's report and finding of investigation.

### **Complaint Records**

NJDOT maintains an intake log for Title VI/Nondiscrimination complaint. The complaint log can be made available to FMCSA upon request. To date, NJDOT has not received a Title VI/Nondiscrimination complaint.

### **Community Participation Process**

NJDOT does not provide or conduct motorist licensure, or any motor vehicle registration-related services and activities, therefore, this section is not applicable.

### **Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies**

NJDOT does not conduct commercial motor vehicle safety inspection, safety audits of commercial motor carriers or any traffic enforcement activities, therefore, this section is not applicable. NJSP serves as the primary enforcement agency responsible for the regulation of CMVs and safety inspections.

### **Status of Corrective Actions**

NJDOT has not had a Title VI compliance review from FMCSA that identified any corrective action on the part of our agency. However, NJDOT recognizes that compliance is a continuous process and will strive to improve upon its efforts to implement a more viable FMCSA Title VI

Program. As indicated in last year's FMCSA Title VI Addendum Plan, we have completed the following action items during this fiscal year:

- Updated the FMCSA-specific *Title VI Policy Statement* and *Title VI Assurances*, signed by the Commissioner on July 11, 2023. They are available on the NJDOT, Division of Civil Rights and Affirmative Action, Title VI webpage.



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# Attachment 1

Title VI Nondiscrimination Policy Statement (FMCSA)

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# **Title VI Nondiscrimination Policy Statement**

## **Federal Motor Carrier Safety Administration (FMCSA)**

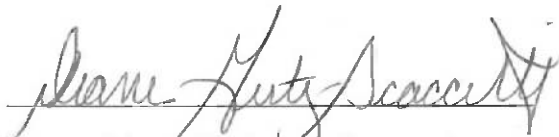
It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, 49 CFR Part 21 and CFR 49 Part 303, related statues or Executive Orders, FMCSA Title VI Assurances including Appendix A-E and N.J.A.C. 10:5-31 et seq. which provide in part, that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA.”*

Any person who believes that, because of his or her race, color, national origin, sex, age, disability, low-income, or ability to read, write or speak English, he or she has been excluded from participation in any program or activity being administered by the New Jersey Department of Transportation, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey Department of Transportation  
Division of Civil Rights and Affirmative Action  
1035 Parkway Avenue  
PO Box 600  
Trenton, NJ 08625

Contact: Director of Civil Rights and Affirmative Action  
Telephone: (609) 963-2047



**Diane Gutierrez-Scaccetti**  
**Commissioner**

July 10, 2023

**Date**

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# Attachment 2

Standard Title VI/Nondiscrimination Assurances (FMCSA)

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**The United States Department of Transportation**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

The (*New Jersey Department of Transportation*) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

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

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

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

*“The **(New Jersey Department of Transportation)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any*

*contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the 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 will 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 guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

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

[New Jersey Department of Transportation] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on [State of New Jersey], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

*New Jersey Department of Transportation*

by  \_\_\_\_\_  
**Diane Gutierrez-Scaccetti**  
**Commissioner**

Dated July 10, 2023 \_\_\_\_\_

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier



because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

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

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the (*New Jersey Department of Transportation*) will accept title to the lands and maintain the project constructed thereon in accordance with (*Federal Government*), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (*New Jersey Department of Transportation*) 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 (*New Jersey Department of Transportation*) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (*New Jersey Department of Transportation*), its successors and assigns.

The (*New Jersey Department of Transportation*), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 (*New Jersey Department of Transportation*) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the 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 purpose of Title VI.)

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

**APPENDIX C**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (*New Jersey Department of Transportation*) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*New Jersey Department of Transportation*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (*New Jersey Department of Transportation*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*New Jersey Department of Transportation*) and its assigns.\*

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

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

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (*New Jersey Department of Transportation*) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
  
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (*New Jersey Department of Transportation*) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
  
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (*New Jersey Department of Transportation*) will there upon revert to and vest in and become the absolute property of (*New Jersey Department of Transportation*) and its assigns.\*

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

## APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“... *which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

# Attachment 3

MVC Title VI Program Compliance Plan FY 2023



New Jersey Motor Vehicle Commission

Office of Equal Employment Opportunity,  
Title VI, and Ethics  
P.O. Box 884  
Trenton, New Jersey 08686-0884  
PH: (609) 777-3831

STATE OF NEW JERSEY

Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

Latrechia Littles-Floyd  
Acting Chair and Chief Administrator

**NEW JERSEY MOTOR VEHICLE COMMISSION**  
**TITLE VI PROGRAM COMPLIANCE PLAN (FY 2023)**

**I. INTRODUCTION**

As a regulatory condition of receiving federal funding, the New Jersey Motor Vehicle Commission (“MVC”) is required to create and administer a Title VI Non-Discrimination Program which establishes Title VI Program goals and objectives for federally funded programs.

MVC is to comply with various non-discrimination statutes, regulations, and authorities, including Title VI of the Civil Rights Act of 1964, which provides 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 assistance under this title or carried out under this title.”

Other authorities include the Federal-Aid Highway Transportation Act of 1973, which added **sex** to the list of prohibitive factors. **Disability** was added through Section 50 of the Rehabilitation Act of 1973. **Age** was subsequently added in 1975 under the Age Discrimination Act.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs and activities” to include that federal aid recipients must ensure non-discrimination in all their programs or activities, whether those programs and activities are federally funded or not.

Two additional non-discrimination authorities were issued in 1994 with Executive Order 12898-Environmental Justice (EJ), which directed recipients of federal assistance to identify and address the effects of all programs, policies, and activities on “minority population and **low-income** populations” and in 2000 with Executive Order 1316-Limited English Proficiency (LEP), which required recipients of federal assistance to assess and address the needs of individuals for whom English is not their primary language and who have a limited ability to read, speak, write, and understand English in programs and activities.

The MVC has developed this Title VI Program Compliance Plan to assure that the services, programs, and activities of the MVC are offered, conducted, and administered fairly to its participants or beneficiaries, without regard to race, color, national origin, sex, age, disability, low-income status, or limited English proficiency. This Title VI Program Compliance Plan is designed to aid the MVC in its ability to provide oversight and ensure that there is Title VI

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Program compliance throughout the MVC. This document will be updated periodically to incorporate changes in authorities, administration, and/or policy.

## **II. TITLE VI PROGRAM POLICY STATEMENT**

The MVC's *Title VI Non-Discrimination Policy Statement* signed by its Acting Chair and Acting Chief Administrator is attached (Appendix 1). The Policy Statement has been distributed and posted internally to notify MVC staff of their obligations to abide by the Title VI Program requirements.

## **III. FMCSA TITLE VI PROGRAM ASSURANCE**

The MVC's Title VI Program Assurance signed by its Acting Chair and Acting Chief Administrator is attached (Appendix 2).

## **IV. DESCRIPTION OF FEDERAL-AID PROGRAM**

The MVC has applied for federal grant funding through FMCSA's Commercial Driver's License (CDL) Program Implementation Grant Proposal for FY 2022 and is a sub-grant recipient from the federal Motor Carrier Safety Assistance Program ("MCSAP") through the New Jersey Department of Transportation ("NJDOT").

### **Summary of FY2022 Federal Grant Application Projects:**

MVC has submitted a grant application for FY 2023 for the following projects:

#### **1. Commercial Driver License (CDL) Compliance and Coordination**

MVC is required to be in substantial compliance with all FMCSA commercial driver regulations and federal funding is requested to maintain staff dedicated to CDL-related tasks. MVC's CDL Unit is responsible for ensuring that all CDL-related projects and regulations are implemented on a timely basis while meeting regulation requirements. This unit, in addition to daily tasks, is responsible for all the timely data entries regarding self-certification and Medical Examiner's Certificate (MEC) information for all CDL holders, verifies that all CDL Hazardous Materials endorsement applicant fingerprint checks are updated, Problem Driver Pointer System (PDPS) inquiries are addressed, CDL convictions and withdrawals are posted properly to the driver history record, and errors identified on the American Association of Motor Vehicle Administrators' (AAMVA) weekly CD90.3.1 Pointer Suspense Report are corrected. The CDL Unit also handles numerous calls and correspondence from federal Department of Transportation (DOT) inspectors, other states, motor carriers and the public who request information or guidance regarding CDL-related matters. More importantly, the CDL Unit staff ensures that all CDL license holders in New Jersey and their employers are aware of all federal MEC requirements. MVC staff updates driver history records with MEC information and support the transfer of this information to the Commercial Driver's License Information System (CDLIS). All required data on MECs are entered into the CDLIS within 10 days after receipt by the MVC. The project



will help ensure all New Jersey CDL license holders comply with the MEC requirements and avoid being placed “out of service.”

## 2. Medical Certification Application Rewrite

To accommodate the storage of Medical Certificate information prior to CDL Licensing as part of the CDLIS Modernization initiative, an application must be developed to maintain and manage CDL drivers’ Medical Certificate information. The system would support managing receipt, tasking, tracking and data entry completion of self-certification documents and/or medical examiner’s certificates.

## 3. CDL Mobile Compliance Unit

The CDL Mobile Compliance Unit (MCU) administers CDL testing, training, compliance audits, outreach seminars and safety initiatives to meet all FMCSA standards. The nation’s shortage of CDL drivers precipitated by COVID-19 created a greater demand for qualified drivers. Additional funding is needed to expand the Unit’s role in outreach, third-party CDL testing, planning, and site testing expansion.

Due to industry demands, there is an increased need for CDL testing, compliance auditing, and commitment to innovation, and a need to expand the outreach program to engage all stakeholders. CDL MCU’s proactive outreach program and expanded bulk testing will assist the CDL driving school industry, school bus industry, school districts, state, county and local government agencies and mass transit, to meet these increasing demands. MCU intends to deploy off-site web testing for CDL knowledge tests to increase CDL knowledge testing availability and reduce wait times.

Funding will also assist in improving security and leverage technology in the areas detecting and preventing fraud in the CDL process, edit video medium training and create remote training. Lastly, funding will be used on overtime which will reduce CDL skills testing backlogs.

## 4. Interstate Fraud Prevention Initiative – CDL (IFPIC2)

The MVC operates the Facial Recognition Center (FRC), which was established in 2012. The FRC supports the objective of maintaining a “one person, one record” driver license database integrity level. The MVC entered into an Interstate Fraud Prevention Initiative – CDL (IFPIC 2), leveraging the facial recognition technology to focus specifically on individuals holding illegally obtained CDL(s), or those with CDL suspensions in one state but holding a valid CDL in another state. MVC continues the use of facial recognition in a multi-state format to identify fraudsters and protect the motoring public.

## 5. Upgrading CDLIS 5.4 Services and State Interface Exchange Service (SPEX)

Federal Real ID regulation 73 FR 5272 requires jurisdictions to implement the AAMVA SPEX Services as part of identifying one record for one driver. The primary purpose of

SPEX is to provide information to each State Driver License Agency for the issuance of driver licenses related to Real ID by providing the official state of record for each driver. As a prerequisite effort for SPEX participation, MVC must upgrade its CDLIS Services to version 5.4, which includes updating the Medical Examiner Certificate system.

#### 6. Automated Road Test Scoring System

The MVC is proposing a solution that will allow Road Test Skills Examiners to electronically test, score and retrieve testing information and documents using mobile wireless technology. This will be an extension of the existing knowledge testing system that will improve the security, efficiency and supervision of skills testing and scoring at all MVC road testing sites. The wireless road test scoring system will electronically send test results to the State's Comprehensive System. There are a total of 15 Road Test offices that conduct the following Road Testing:

- Automobile/ Agricultural I Motorcycle / Moped
- Commercial Drivers License - Class AB C• School Bus• Passenger• Truck/ Tanker

This solution will eliminate paper test scoring along with delays and errors in score entry and retrieval. Agencies would receive immediate test results for customer license issuance. The solution should allow for rescheduling of a test due to denial or failure.

#### V. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

MVC's Public Notice of Title VI Program Rights signed by its Acting Chair and Acting Chief Administrator is attached (Appendix 3). This notice has been posted in publicly visible areas in all MVC agencies and facilities that service the public throughout the State. MVC has also disseminated the notice to members of the public via its website at [https://www.state.nj.us/mvc/pdf/about/Non-Discrimination\\_Policy\\_Statement.pdf](https://www.state.nj.us/mvc/pdf/about/Non-Discrimination_Policy_Statement.pdf).

#### VI. SUB-RECIPIENT COMPLIANCE REPORTS

The MVC does not pass-through federal funds to any other organizations and therefore, does not have any sub-recipients.

#### VII. TRAINING

All newly hired MVC employees receive a thirty minute in-person/virtual training conducted by MVC's Equal Employment Opportunity Officer Betty Ng, Esq., focusing on the *New Jersey State Policy Prohibiting Discrimination in the Workplace* (the "State Policy") and employees' obligations under *Title VI* during the New Employee Orientation. All newly hired employees are required to complete a 60-minute online training on the State Policy. All MVC employees receive at least annual on-line refresher training on the State Policy.

Due to the coronavirus pandemic, in-person training on the State Policy and Title VI was held in abeyance until the Summer of 2021 when in-person training resumed. Various waves of variants of the coronavirus and staff shortages delayed in-person training, which will resume in Spring of 2023.

#### **VIII. ACCESS TO RECORDS**

The MVC will make all records relating to the implementation of its Title VI Program available for FMCSA review upon request for complaint investigation or compliance review.

All records are kept in a confidential manner and kept on file for a period of seven years after the close of a complaint.

#### **IX. COMPLAINT DISPOSITION PROCESS**

The MVC investigates written complaints that have been filed by any person or class of persons who believe they have been subjected to discrimination or retaliation based on race, color, national origin, sex, age, disability, low-income, or ability to read, write, or speak English.

To file a complaint, an individual or their representative should: (1) Complete and sign both sides of the complaint form (Appendix 4) and include the complainant's name, address, email, and telephone number. (2) Initiate the filing no more than 180 days after the date of the alleged discrimination; or where there has been a continuing course of conduct, the date that the conduct was discontinued or the latest instance of the conduct. These procedures do not preclude any agency from attempting to resolve issues and complaints that are non-written.

The Title VI Program Coordinator will acknowledge in writing the receipt of every complaint filed. With the complainant's consent, and in the best interest of all parties involved in the complaint, attempts may be made to resolve the matter informally. If the complaint is rejected, the Title VI Program Coordinator or designee will inform the complainant in writing. If the complaint has merit and has not been resolved, the Title VI Program Coordinator will supervise a thorough investigation and submit a written report of findings to the MVC's Deputy Administrator of Human Capital Strategies for a final determination. After a final decision is rendered, MVC will issue the complainant a letter of findings from the investigation, which will include the proposed disposition of the matter. The proposed remedy will include the actions necessary to correct and prevent future occurrences.

The Title VI Program Coordinator and the MVC's Deputy Administrator of Human Capital Strategies maintain a Title VI Program Complaints Log, which will be made available to FMCSA upon request.

#### **X. STATUS OF CORRECTIVE ACTIONS**

The MVC has not been reviewed by FMCSA's Office of Civil Rights (OCR) or other Federal Agency for any deficiencies.

## **XI. COMMUNITY PARTICIPATION PROCESS**

The MVC is committed to the Community Participation Process and delivering meaningful outreach to the community it serves whenever there are planned increases or decreases of its services and activities. The MVC maintains at least one agency location in each of New Jersey's twenty-one counties. There are forty MVC agencies throughout the State. The MVC relocated a vehicle center in Springfield to a larger facility in February of 2022. The MVC will make reasonable efforts to ensure that all outreach efforts comply with Title VI Program authorities and requirements to the best of its abilities.

Currently, the MVC utilizes either State-owned or leased properties to provide its services. The New Jersey Department of Treasury's Division of Property Management Construction ("DPMC") and/or State Leasing Utilizing Committee ("SLUC") approves, puts out for bid, and finalizes any requests made by the MVC to relocate, renovate and/or open any facility. Due to this, the MVC is considerably limited in its input as to where any new facilities will be located.

The MVC has established the following process for notifying an impacted community regarding facility openings, closings, and temporary shutdowns:

1. MVC's Strategic Communications Department will disseminate via email a press release to various media outlets **90 days prior** to or as soon as MVC has confirmation of a scheduled facility closing and/or opening. If a facility is closing, the press release will also include locations of nearby facilities which may be utilized by members of the affected community instead. MVC maintains an extensive list of media contacts throughout the tri-state area. MVC's press releases are circulated to dozens of media outlets, large and small, throughout New Jersey, New York, and Philadelphia. Every effort will be made to include media outlets targeting non-English speaking audiences. Once the press release is issued by the MVC, the affected community is then notified of an MVC facility opening and/or closing by local press, often via newspaper, radio, television, and internet.
2. MVC's Strategic Communications Department will utilize its social media outlets (Facebook, Instagram, and Twitter) to post about any scheduled facility closing, relocation and/or opening. The initial social media post will be made **90 days prior** to or as soon as the MVC has confirmation of a scheduled facility closing, relocation and/or opening. Once the initial post is made, there may be additional posts made to MVC's Facebook, Instagram, and Twitter pages to remind customers about the scheduled facility closing, relocation and/or opening.

3. MVC's Strategic Communications Department will also post notices on MVC's publicly accessible website **90 days prior** to or as soon as there is confirmation of a facility closing, relocation and/or opening. Members of the public may express their questions and/or concerns regarding the scheduled facility opening, relocation and/or closing. Received questions and/or concerns will be addressed appropriately by the MVC in a timely fashion.
4. MVC's Strategic Communications Department will also display facility closing information, including listing alternative locations of nearby facilities which may be utilized by the affected community, at the facility scheduled to be closed **90 days prior** to or as soon as the MVC has confirmation of a scheduled facility closing.
5. MVC's Office of Legislative Affairs will issue letters to State legislators in the affected community **90 days prior** to or as soon as the MVC has confirmation of any facility openings, relocations and/or closings. It is the expectation that the State legislators will disseminate the information provided by the MVC into their respective communities. The MVC will take into consideration any feedback offered by affected State Legislators regarding any MVC facility openings, relocations and/or closings.


MVC will periodically review and assess its Community Participation Process for continued public participation effectiveness and will revise it to include new strategies and approaches as needed.

## **XII. COMMERCIAL MOTOR VEHICLE INSPECTION SELECTION & UNBIASED ENFORCEMENT POLICIES**

The Motor Vehicle Commission has approximately 41 MCSAP certified Inspectors and conducts inspections of commercial buses as part of some inspections at the Weigh Stations (Emissions) in conjunction with the New Jersey State Police. All MVC employees are provided training on the MVC's Title VI Policy and the *State Policy Prohibiting Discrimination in the Workplace*. A supplement will be submitted should a policy be necessary.

  
 Betty M. Ng, Esq.  
 Title VI Program Coordinator

1/26/2023  
 Date

  
 Dana L. Foraker, Deputy Administrator  
 Human Capital Strategies

1/26/2023  
 Date

# **Appendix 1**





New Jersey Motor Vehicle Commission

Office of Equal Employment Opportunity,  
Title VI, and Ethics  
P.O. Box 684  
Trenton, New Jersey 08666-0684  
PH: (609) 777-3831

STATE OF NEW JERSEY

Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

**Title VI Non-Discrimination Policy Statement**

Latrecia Littles-Floyd  
Acting Chair and Chief Administrator

It is the policy of the New Jersey Motor Vehicle Commission (MVC) to abide by Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities, and N.J.A.C. 10:5-31, et seq., which provide in part, that:

*No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income status, or ability to read, write or speak English, 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 [US]DOT, including the FMCSA.*

The MVC is committed to ensuring compliance with 49 CFR Part 21 and 49 CFR Part 303. Further, the MVC abides by the Standard Title VI/Non-Discrimination Assurances. In order to implement this program, the MVC will train and delegate responsibility to designated supervisory staff who will report to the Title VI Program Coordinator. All MVC employees are hereby instructed to support the Title VI Program Coordinator in the effective implementation of the MVC's Title VI Program. Any person who would like more information about MVC's Title VI Program, please contact the telephone number or write to the address/email listed below.

If an MVC customer reports that they believe because of their race, color, national origin, age, sex/gender, disability, low-income status, or limited English proficiency, they have been excluded from participation in any program or activity administered by the MVC, or otherwise been denied any benefits provided by such program or activity, or have been unfairly treated in connection with such program or activity, then the customer should complete a written complaint, which can found at [https://www.state.nj.us/mvc/pdf/about/Title\\_VI\\_Form.pdf](https://www.state.nj.us/mvc/pdf/about/Title_VI_Form.pdf) and the written complaint form should be promptly forwarded to MVC's Title VI Office. If no written complaint is made, the customer should be referred to MVC's Office of Equal Employment Opportunity, Title VI and Ethics.

New Jersey Motor Vehicle Commission  
EEO/Title VI Office  
225 E. State Street, P.O. Box 684  
Trenton, New Jersey 08666-0684  
Ph: (609) 777-3831  
[MVCTitleVI@mvc.nj.gov](mailto:MVCTitleVI@mvc.nj.gov)

  
Latrecia Littles-Floyd  
Acting Chair and Chief Administrator

Dated: 1/23, 2023

# **Appendix 2**



**The United States Department of Transportation**

**Standard Title VI Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

The *New Jersey Motor Vehicle Commission* (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, it is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Non-Discrimination In Federally-Assisted Programs of The Department Of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964*);
- 49 C.F.R. Part 27 (entitled *Non-Discrimination On the Basis of Disability In Programs or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement of Non-Discrimination On The Basis Of Handicap In Programs or Activities Conducted By The Department of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. Part 303 (FMCSA’s Title VI/Non-Discrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State and Local Government Services*);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies

should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure non-discrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document, dated August 16, 2000, (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

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

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### **Specific Assurances**

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection

with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The New Jersey Motor Vehicle Commission, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the 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 will 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 guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

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

The New Jersey Motor Vehicle Commission gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on the New Jersey Motor Vehicle Commission, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**New Jersey Motor Vehicle Commission**

By   
\_\_\_\_\_  
Latrecia Littles-Floyd, Acting Chair and Chief Administrator

Dated: 1/23/23

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-Discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient

or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

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

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the (Title of Recipient) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-Discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Title of Recipient) 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 (Title of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (Title of Recipient), its successors and assigns.

The (Title of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 (Title of Recipient) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-Discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the 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 purpose of Title VI.)

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

**APPENDIX C**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ***(Title of Recipient)*** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, ***(Title of Recipient)*** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the ***(Title of Recipient)*** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the ***(Title of Recipient)*** and its assigns.\*

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



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

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by *(Title of Recipient)* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, *(Title of Recipient)* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, *(Title of Recipient)* will there upon revert to and vest in and become the absolute property of *(Title of Recipient)* and its assigns.\*

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

## APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

# **Appendix 3**



New Jersey Motor Vehicle Commission

Office of Equal Employment Opportunity,  
Title VI, and Ethics  
P.O. Box 684  
Trenton, New Jersey 08666-0684  
PH: (609) 777-3831

STATE OF NEW JERSEY

Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

Latrecia Littles-Floyd  
Acting Chair and Chief Administrator

**Public Notice of Title VI Program Rights**

The New Jersey Motor Vehicle Commission (MVC) gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities.

The MVC operates all programs and services without regard to race, color, or national origin. Related non-discrimination authorities also prohibit discrimination based on sex, age, disability, limited English proficiency, and low-income status. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to prohibited discrimination. Any person who desires more information regarding the MVC's Title VI Program can contact its Title VI Program Coordinator, Betty Ng, at the address/email noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, low-income status or limited English proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

New Jersey Motor Vehicle Commission  
EEO/Title VI Office  
225 E. State Street, P.O. Box 684  
Trenton, New Jersey 08666-0684  
Ph: (609) 777-3831  
[MVCTitleVI@mvc.nj.gov](mailto:MVCTitleVI@mvc.nj.gov)

  
Latrecia Littles-Floyd  
Acting Chair and Chief Administrator

Dated: 1/23, 2023

# Appendix 4

**TITLE VI NON-DISCRIMINATION COMPLAINT FORM**

It is the policy of the New Jersey Motor Vehicle Commission ("NJMVC") to abide by Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities, which provides in part that: *No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low income, or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.*

This form may be used to file a complaint with the NJMVC for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due to a physical impairment or other reason, please contact us by phone at (609) 777-3831, email at [MVCTitleVI@mvc.nj.gov](mailto:MVCTitleVI@mvc.nj.gov) or via FAX at (609) 777-3835.

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 days period, you have 60 days after you became aware of the discrimination to file your complaint.

Only the Complainant or the Complainant's designated representative should complete both pages (sides) of this form.

Complainant's Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name of NJMVC Agency or Department that discriminated:**

Agency or Department Name: \_\_\_\_\_

Name of Individual(s) (if known): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile (FAX) Number: \_\_\_\_\_

Date alleged discrimination occurred: \_\_\_\_\_ Name/s of Witnesses: \_\_\_\_\_

Describe the alleged discrimination (use additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed this Complaint with another Federal, State, or local agency or with a Federal or State Court? Yes [ ] No [ ]

If yes, when and who did you file the complaint with: \_\_\_\_\_

**Basis of Discrimination:**

- [ ] Race [ ] Color [ ] Age [ ] National Origin  
[ ] Disability [ ] Sex [ ] Low Income [ ] Limited English Proficiency (LEP)

NOTE: The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken an action or participated in an action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Title VI Program Coordinator  
New Jersey Motor Vehicle Commission  
225 East State Street, P.O. Box 684, Trenton, NJ 08666  
Phone: 609-777-3831 FAX: 609-777-3835  
[MVCTitleVI@mvc.nj.gov](mailto:MVCTitleVI@mvc.nj.gov)

**NEW JERSEY MOTOR VEHICLE COMMISSION  
OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY/TITLE VI**

**Title VI Complaint Process**

The New Jersey Motor Vehicle Commission (NJMVC) will investigate written complaints that have been filed by any person or class of persons who believe they have been subjected to discrimination or retaliation based on race, color, national origin, sex, age, disability, low-income status, or ability to read, write, or speak English.

To file a complaint, an individual or their representative should:

1. Complete and sign both sides of this complaint form. Include the Complainant's name, address, email, and telephone number.
2. Initiate the filing no more than 180 days after the date of the alleged act of discrimination; the date when the individual(s) became aware of the alleged discrimination; or where there has been a continuing course of conduct, the date that the conduct was discontinued or the latest instance of the conduct.

These procedures do not preclude any agency from attempting to resolve issues and complaints that are non-written.

The Title VI Program Coordinator will acknowledge in writing the receipt of every complaint filed. If the complaint is rejected, the Title VI Program Coordinator will inform the Complainant in writing.

With the Complainant's consent, and in the best interest of all parties involved in the complaint, attempts may be made to resolve the matter informally.

If the complaint has merit, the Title VI Program Coordinator will supervise a thorough investigation and submit a written report of findings to NJMVC's Chair and Chief Administrator for a final determination.

After a final decision is rendered, the NJMVC will issue the Complainant a letter of findings for the investigation, which will include the proposed disposition of the matter. The proposed remedy will include the actions necessary to correct and prevent future occurrences.

**Title VI Complaint Consent/Release**

**Please read the information below and sign the form.**

As a Complainant, I understand that in the course of an investigation it may become necessary for the NJMVC to reveal my identity to persons at the organization or agency under investigation. I am also aware of the obligations of the NJMVC to honor requests under the State's Open Public Records Act. I understand that it may be necessary for the NJMVC to disclose information, including personal identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a Complainant I am protected by federal regulations from intimidation or retaliation for having taken an action or participated in an action to secure rights that I have under non-discrimination laws and regulations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**Please return this complaint form to:  
Title VI Program Coordinator  
New Jersey Motor Vehicle Commission  
225 East State Street, P.O. Box 684, Trenton, NJ 08666  
Phone: (609) 777-3831; FAX: (609) 777-3835**

[MVCTitleVI@mvc.nj.gov](mailto:MVCTitleVI@mvc.nj.gov)

(rev. Jan 2023)

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# Attachment 4

NJSP Title VI Program Compliance Plan FY 2023

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**The United States Department of Transportation**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

The (*New Jersey State Police*) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "*application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*" When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "*Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons,*" dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

#### **General Assurances**

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

*"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

#### **Specific Assurances**

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

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

*"The (New Jersey State Police), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into*

*pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the 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 will 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 guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

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

[New Jersey State Police] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on [State of New Jersey], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
New Jersey State Police  
by \_\_\_\_\_  
Patrick J. Callahan, Superintendent

DATED 12/29/22

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

### APPENDIX B

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (State of New Jersey, Department of Law and Public Safety) will accept title to the lands and maintain the project constructed thereon in accordance with (Federal Government), the Regulations for the Administration of Federal Motor Carrier Safety Administration (FMCSA) Program, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (State of New Jersey, Department of Law and Public Safety) 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 (State of New Jersey, Department of Law and Public Safety) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (State of New Jersey, Department of Law and Public Safety), its successors and assigns.

The (State of New Jersey, Department of Law and Public Safety), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the (State of New Jersey, Department of Law and Public Safety) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the 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 purpose of Title VI.)

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

**APPENDIX C**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (State of New Jersey, Department of Law and Public Safety) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (State of New Jersey, Department of Law and Public Safety) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (State of New Jersey, Department of Law and Public Safety) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (State of New Jersey, Department of Law and Public Safety) and its assigns.\*

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

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

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by (State of New Jersey, Department of Law and Public Safety) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (State of New Jersey, Department of Law and Public Safety) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (State of New Jersey, Department of Law and Public Safety) will there upon revert to and vest in and become the absolute property of (State of New Jersey, Department of Law and Public Safety) and its assigns.\*

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



## APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

## **Title VI Nondiscrimination Policy Statement**

### **Federal Motor Carrier Safety Administration (FMCSA)**

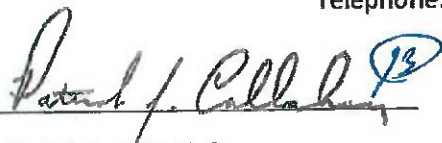
It is the policy of the New Jersey Department of Law and Public Safety to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, 49 CFR Part 21 and CFR 49 Part 303, related statutes or Executive Orders, FMCSA Title VI Assurances including Appendix A-E and N.J.A.C. 10:5-31 et seq. which provide in part, that:

*"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA."*

Any person who believes that, because of his or her race, color, national origin, sex, age, disability, low-income, or ability to read, write or speak English, he or she has been excluded from participation in any program or activity being administered by the New Jersey Department of Law and Public Safety, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey State Police  
Department of Law and Public Safety  
Office of the Attorney General  
P.O. Box 7068  
West Trenton, NJ 08628

Contact: Lt. Deborah Coutts  
Telephone: (609) 882-2000 x2073



**Patrick J. Callahan**  
Superintendent

12-29-77

**Date**

**New Jersey State Police  
Title VI Program Compliance Plan (FY 2023)**

**I. INTRODUCTION**

The New Jersey State Police (NJSP) is required to ensure completion of a Title VI Program as a condition of receiving Federal financial assistance from the US Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA). The NJSP has developed this Title VI Program to assure that the services, programs, and activities of the NJSP are offered, conducted, and administered fairly to its participants or beneficiaries without regard to race, color, national origin, sex, age, disability, low-income status, or limited English proficiency.

**II. TITLE VI POLICY STATEMENT**

The NJSP's Title VI Nondiscrimination Program Policy Statement is signed by the Colonel and is attached (see attached). This Policy Statement has been distributed and internally posted to notify NJSP personnel of their obligation to abide by the Title VI requirements.

**III. TITLE VI ASSURANCES**

The NJSP's Title VI Program Assurances document is signed by the Colonel and is attached (see attached).

**IV. DESCRIPTION OF FEDERAL-AID PROGRAMS**

The NJSP is a subgrantee of the Motor Carrier Safety Assistance Program (MCSAP) Grant. Within the NJSP's Transportation Bureau, several Units contribute to the overall goal to help reduce the number and severity of accidents and hazardous material incidents involving commercial motor vehicles through consistent, uniform, and effective safety programs.

1. The Motorcoach Compliance Safety Audit Review Unit (MCSARU) is divided into two core functions. One is the safety inspection of all passenger-carrying commercial vehicles to include touring, school, church, airport-type buses as well as livery services along the highway, at passenger inspection facilities, or at loading/unloading terminals throughout the State, enforcing Title 49: Code of Federal Regulations. In conjunction with the NJ Motor Vehicle Commission (NJMVC), unit members conduct post-crash inspections and investigations on those vehicles involved in serious and/or fatal collisions. They further coordinate the Governor's School Bus Safety Task Force to ensure proper recordkeeping and safe upkeep of school bus fleets.

The other component of MCSARU is that of conducting safety audits and compliance reviews of those carrier businesses registered with the Federal Government that are principally housed within the confines of the State of New Jersey. When a company first

enters into the carrier world, they are scheduled for a New Entrant Safety Audit to provide the company instruction and guidance. When they are deemed "unsafe", a Compliance Review is triggered which consists of a comprehensive, forensic analysis of a carrier's paperwork, their office(s), all drivers, and vehicles used. These reviews may result in monetary fines or suspensions of operations until proper safety protocols are established.

2. The Hazardous Materials Transportation Enforcement Unit (HMTEU) has been certified to inspect those commercial carriers authorized to transport those substances classified as hazardous materials. Codified with Title 49, Parts 100-185 of the Federal Materials Transportation Regulations these three regional squads operate on a mobile-basis throughout the state inspecting tankers, non-bulk HM, as well as other-bulk carrying containers.
3. The Mobile Safe Freight Training Unit (MSFTU) trains and certifies all those within the State of New Jersey and surrounding region – both troopers and other law enforcement in all aspects of commercial vehicle safety inspections. This Unit also conducts Public Outreach presentations to educate and assist the motor carriers to better understand the Federal Motor Carrier Safety Regulations (FMCSRs).
4. **High Priority-CMV Program Funds:** The State of New Jersey has requested funding from the FMCSA through a High Priority Grant to initiate an enhanced, operationally-oriented enforcement effort focusing on aggressive drivers using the roadways of the State. The New Jersey State Police, under the direction of the Transportation Safety Bureau (TSB), would implement a supplemental traffic enforcement program focused on the unsafe and inattentive actions of CMVs and CMV operators, as well as aggressive passenger vehicle operators in close proximity to CMVs. Equally important is the need to concentrate enforcement activities on those roadways in the State of New Jersey identified as high-risk crash corridors having a statistically significant history of CMV accidents. Again, central to our initial effort, is the desire to more efficiently expend the collective resources being used towards the universal goal of highway traffic safety. In applying for these funds, we seek to further enhance our purpose of reducing commercial vehicle related crashes, injuries, and deaths in New Jersey.

#### **V. NOTIFICATION OF BENEFICIARIES/PARTICIPANTS**

The NJSP's Title VI Policy Brochure ensures that the public is notified of protections afforded to them by the Title VI Program. This brochure has been posted in publicly visible areas in NJSP facilities that serve the public throughout the State of New Jersey. The NJSP has also provided this information to the public via its website, under the "Public Information" drop down menu located at: [www.njsp.org](http://www.njsp.org)

## **VI. SUB-RECIPIENT COMPLIANCE REPORTS**

The NJSP does not pass-through federal funds to any other organizations and therefore, does not have any sub-recipients.

## **VII. TRAINING PROCESS**

The NJSP developed a training process in the Fall of 2021, using the FMCSA Title VI Program presentation including supporting documents to its' own use. NJSP began the roll-out of the Title VI Program training in February 2022. All commercial motor vehicle inspectors must participate in this training, to remain certified/compliant. This training must be completed annually.

## **VIII. ACCESS TO RECORDS**

The NJSP will make all records relating to the implementation of its Title VI Program available for FMCSA review upon request for complaint investigation or compliance review.

## **IX. COMPLAINT DISPOSITION PROCESS**

The NJSP will investigate written complaints filed by any person or class of persons who believes they have been the subject of discrimination or retaliation based on race, color, national origin, sex, age, disability, low income, or ability to read, write, or speak English.

To file a complaint, an individual or their representative should: (1) Complete and sign both sides of the complaint form and include the complainant's name, address, email address, and telephone number; and (2) Initiate the filing no more than 180 days after the date of the alleged discrimination. In instances where there has been a continuing course of conduct, include the date that the conduct was discontinued or the latest instance of the conduct. These procedures do not preclude any agency from attempting to resolve issues and complaints that are non-written.

The Title VI Complaint form will be accessible from NJSP's public website. Upon receipt of a complaint, the delegated contact will contact Law & Public Safety EEO for their consideration of whether they have the purview to review/investigate the complaint, depending on the nature of the allegation. The Title VI Program Coordinator will acknowledge, in writing, the receipt of every complaint filed. With the complainant's consent, and in the best interests of all parties involved in the complaint, attempts may be made to resolve the matter informally. If the complaint is rejected, the Title VI Program Coordinator will inform the complainant in writing. If the complaint has merit, and is not already resolved, the Title VI Program Coordinator will supervise a thorough investigation and submit a written report of findings to the Department of Law and Public Safety, Division of Administration, Office of General Counsel. Once a final determination has been rendered, the NJSP will issue the complainant a letter of findings from

the investigation, which will include the proposed disposition of the matter. The proposed remedy will include the actions necessary to correct and prevent future occurrences.

The NJSP delegated contact will maintain the Title VI Complaint Log. This procedure will be outlined on the NJSP website and documented and maintained at Division Headquarters. NJSP did not receive a Title VI/Non-Discrimination Complaint in FFY 2021.

#### **X. STATUS OF CORRECTIVE ACTIONS**

The NJSP has not been reviewed by FMCSA's Office of Civil Rights (OCR) or other Federal Agency for any deficiencies.

#### **XI. COMMUNITY PARTICIPATION PROCESS**

N/A

#### **XII. CMV INSPECTION SELECTION & UNBIASED ENFORCEMENT POLICIES**

NJSP has developed a combined CMV Inspection Selection & Unbiased Enforcement Policy which became effective and was distributed to affected personnel December 2, 2021.



## **Public Notice of Title VI Program Rights**

The New Jersey State Police gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding the New Jersey State Police's Title VI Program can contact its Title VI Program Coordinator Lt. Deborah Coutts at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Administration Bureau/Lt. Deborah Coutts  
New Jersey State Police  
1040 River Road  
West Trenton, NJ 08628  
(609) 882-2000 x2073  
Deborah.Coutts@njsp.org