

# Design Standards Letter

**Letter Number: G-1965-41**

**Letter Date: 08/23/1965**

**Effective Date: 08/23/1965**

**Section/Plan No.: None**

**Subject: Utility Agreements Civil Rights Act of 1964**

## Body

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ALL DIVISION, DISTRICT AND URBAN ENGINEERS AND CHIEF COUNSEL:

Reference is made to General Letter dated June 2, 1965 "Supplement to Contract," and to Paragraph Four (4) of specimen utility contracts in the Design Manual under sections 9.8.3.2 and 9.8.4.2.

As a result of more detailed explanation of the Civil Rights Act, it has been determined that railroad and utilities performing work with their own forces are not required to comply with certain of its provisions. All agreements in which Federal funds are involved must have "Exhibit C:" included and referred to in Paragraph Four (4). In addition, a new paragraph is to be inserted following the present (4) and is to be numbered (5), which will read as follows:

"(5) It is understood and agreed by and between the parties hereto that Paragraph (4), immediately preceding, shall have no application if the relocation work contemplated herein is performed by and with the Company's own forces, but shall apply if, and to the extent, the Company enters into a contract or agreement with a construction contractor, or similar party, to perform such relocation work."

This new paragraph should be self-explanatory, but if not clearly understood, please advise.

This information should be furnished utility companies with whom executed agreements containing the Civil Rights requirements are in force. All agreements not executed by the utility companies are to be revised to contain the new paragraph.

L. V. McLaughlin  
Division Engineer of Surveys and Plans