

**FFY 2019**

WISCONSIN DEPARTMENT OF TRANSPORTATION

TITLE VI/NONDISCRIMINATION

GOALS AND ACCOMPLISHMENTS REPORT



Office of Business Opportunity & Equity Compliance  
July 10, 2020

## TABLE OF CONTENTS

I.	WisDOT Statement of Nondiscrimination.....	3
II.	Title VI Office Staffing and Organization.....	4
III.	Title VI Advisory Committee.....	5
IV.	Program Area Reviews.....	6
V.	Subrecipient Reviews.....	14
VI.	Training.....	17
VII.	Title VI Complaints.....	19
VIII.	Corrective Action Plans.....	20
IX.	Appendices.....	21

## **I. WISDOT STATEMENT OF NONDISCRIMINATION**

### **WisDOT Title VI Commitment**

The Wisconsin Department of Transportation (WisDOT) is committed to providing compliance with Title VI of the Civil Rights Act of 1964 (49 CFR 21) so 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 otherwise subjected to discrimination under any program or activity for which WisDOT receives federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration.

### **WisDOT Title VI Policy**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally-assisted programs. The Federal-aid Highway Act of 1973 (23 USC 324) added sex as a protected status in all Federal Highway Administration activities. The scope of Title VI was clarified by the Civil Rights Restoration Act of 1987 (PL 100-259), effective March 22, 1988, which added Section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The Wisconsin Department of Transportation (WisDOT) is a state governmental entity. It is the policy of WisDOT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities. WisDOT will take all steps to ensure that no person or groups of persons shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity administered by WisDOT, its subrecipients, and contractors.

All administrators, bureau directors, section chiefs, supervisors, and other WisDOT employees are hereby delegated the responsibility to implement the WisDOT Title VI Policy and Title VI Implementation Plan in their work areas, to include the responsibility to develop and implement procedures and guidelines which would adequately help execute and monitor their programs.

WisDOT recognizes the need for continuous Title VI Training for WisDOT personnel in order to promote and achieve successful implementation of the WisDOT Title VI Policy and Title VI Implementation Plan.

The WisDOT Title VI Coordinators are granted the authority to monitor, promote, and direct the implementation of the WisDOT Title VI Program, Policy and Implementation Plan.

Any individual who believes that he or she has been discriminated against, in violation of Title VI or related statutes, under any WisDOT program or activity should contact the Senior WisDOT Title VI and ADA Coordinator at (608) 266-8129 or <http://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

Any individual who believes that he or she has been discriminated against under Title VI or related statutes by a WisDOT Subrecipient may contact the WisDOT Title VI Coordinator at (608) 267-4489.

## **II. TITLE VI OFFICE STAFFING AND ORGANIZATION**

### **OBOEC Director**

Michele Carter is the director of the Office of Business Opportunity and Equity Compliance (OBOEC) and oversees the Title VI Office. The OBOEC director is also the Chairman of the Title VI Advisory Committee.

### **Senior Title VI and ADA Coordinator**

The Senior Title VI and ADA Coordinator, Taqwanya Smith, is responsible for ensuring that WisDOT is effectively implementing the Internal Monitoring and ADA Programs.

### **Title VI Coordinator**

The Title VI Coordinator, Mary Robb, is responsible for tasks related to subrecipient monitoring and training, planning and staffing Advisory Committee meetings and tasks, the Limited English Proficiency program, and other tasks as required to carry out nondiscrimination programming, as needed.

### **Title VI Staff General Duties**

Title VI staff meet regularly with the director of the OBOEC which administers the Title VI Program. Issues covered in these meetings are the ADA Transition Plan, Title VI Online Training Module, complaint process issues, FHWA-Subrecipient Title VI Agreement & Assurances (hereinafter referred to as Subrecipient Agreement), updates to the *WisDOT Title VI Implementation Plan* and the *WisDOT Title VI Goals and Accomplishments Report* updates and tasks associated with the Title VI Advisory Committee. The Director of OBOEC shares these issues with the DTSD Deputy Administrator for Bureaus and are brought to the WisDOT Board of Directors, as necessary.

Annually, the Title VI Office is responsible for developing and submitting a WisDOT Title VI Goals and Accomplishments Report to the FHWA Division Office.

The *Wisconsin Department of Transportation Title VI Goals and Accomplishments Report FFY 2019* (hereinafter referred to as 2019 Accomplishments Report) is the subject of this report.

### III. TITLE VI ADVISORY COMMITTEE

#### Purpose

The purpose of the Title VI Advisory Committee is to provide oversight and direction to the WisDOT Title VI/Nondiscrimination Program. The Advisory Committee is currently made up of the following members:

#### Membership

##### Voting Members:

Michele Carter, Chair	Office of Business Opportunity & Equity Compliance
Carolyn Amegashie	Bureau of Technical Services-Environmental Services
Dan Graff	Office of General Counsel
Joel Batha	Federal Highway Administration
Charles Wade	Planning & Economic Development
Major Anthony Burrell	Division of State Patrol
Becky Soderholm	Public and Specialized Transit Analyst
Marcia Traska	Division of Motor Vehicles
Vacant	Division of Business Management

##### Title VI Office Staff:

Mary Robb	Title VI Coordinator/Advisory Committee Liaison
Taqwanya Smith	Senior Title VI and ADA Coordinator

#### Advisory Committee Topics

- Language Access Plan
- FHWA Training
- Title VI complaints
- Data collection resources
- ADA Transition Plan updates

#### **IV. PROGRAM AREA REVIEWS**

This section describes Title VI FFY 2019 accomplishments and FFY 2020 goals related to internal monitoring including the data collection and analysis component of WisDOT's Title VI Program.

##### **A. Federal Program Area Reviews conducted during FFY 2019**

Title VI reviews are conducted on an annual basis. For FFY 2019, WisDOT federal program areas were notified of their review through an email sent from the Senior Title VI and ADA Coordinator to the section chiefs and bureau directors of each federal program area. Each federal program area received a Title VI questionnaire in preparation for the review. Questions focused on gathering general information about the implementation of Title VI requirements in their respective programs. In FFY 2019, the Title VI Office conducted two federal program area reviews to determine if each program was meeting the Title VI requirements – *Contract Administration and Environment*.

##### **B. Title VI Data Collection/Analysis/Reporting**

The Title VI Office conducted onsite reviews of federal program areas to collect and analyze the following data for compliance and performance improvement:

- Notice to the public
- Complaints
- Training
- Reasonable accommodation requests
- Language access services
- Public involvement meetings
- Contracts
- Dissemination of Title VI information

These yearly reviews, called the WisDOT Title VI Program Review, consisted of three sections. The first section, an issues and complaints section, records any issues or problems or complaints received by that program area during the fiscal year. Recorded in that space will be details of issues and all actions taken. The second section of this report contains an audit of a pre-selected Title VI areas with results for the previous year. The third section of the report details interactions between the Title VI Office and the program area and any actions taken. The Program Review details statistics on public outreach, complaints, ADA Accessibility, Environmental Justice issues, LEP issues, and interactions with consultants, contractors, and DBEs. While WisDOT is not required to forward copies of individual Program Area Review Reports to FHWA, FHWA will have the opportunity to review any of the reports at any time. The results of the reviews and corrective action plans for the next year are reported in this Title VI Goals and Accomplishments Report.

##### **C. Results of Reviews conducted during FFY 2019**

Results of reviews conducted are included in the next section of this document.

##### **D. FFY 2020 Goals**

In FFY 2020, two program area reviews will be conducted – *Planning and Right-of-Way*, to determine if each program area is meeting the Title VI requirements.

### *Contract Administration Program Area – Consultant Contracts*

WisDOT contracts for the engineering and related services of consultants when it does not have sufficient staff available to develop transportation improvement projects within a prescribed time period or when special expertise is required but unavailable within WisDOT. Each regional office within the Division of Transportation System Development (DTSD) has the authority and responsibility to select the needed consultants and negotiate contracts between WisDOT and the selected consultant engineering firms. Once WisDOT selects a qualified firm, the parties negotiate the scope and cost of the work. The consultant then submits the required contract documents for approval. After contracts have been submitted, they are managed through the Contract Administration and Reporting System (CARS) <https://wisconsin.dot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/contracts/cars.aspx>. CARS is an online application that the Consultant Services and Project Management Section uses to manage and support consultant contracts.

Consultant services including solicitation content, selections and negotiations are the responsibility of the Consultant Services and Project Management Section in the Bureau of Project Development. Contract administration including contract and registration forms is the responsibility of the Audit and Contract Administration Section in the Bureau of Financial Management. Contracts estimated at less than \$3,000, work orders less than \$50,000, and amendments less than \$50,000 are signed by WisDOT staff in the regional offices. The WisDOT Contract Manager (Audit and Contract Administration Section Chief) executes all other contracts, work orders, and amendments on behalf of the department. The Audit and Contract Administration Section notifies the regional office or central office bureau when the contract is approved. The regional office or central office bureau then authorizes the firm to begin work.

#### **A. Title VI Liaisons**

The Consultant Services and Project Management Section Chief and the Audit and Contract Administration Section Chief are the Title VI liaisons for the Contract Administration Program Area.

#### **B. Federal Funds**

The Consultant Services and Project Management Section does not receive federal funds directly. The allocation of federal funds is made by the Division of Transportation Investment Management (DTIM). Federal agencies that provide funds to WisDOT include the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Federal Railroad Administration (FRA). FHWA provides ninety-nine percent of the federal funds with FTA and FRA providing funds on rare occasions. FRA provides federal funds to the DTIM Bureau of Transit, Local Roads, Railroads, and Harbors for the Amtrak Hiawatha Service. The Amtrak Hiawatha Service provides intercity passenger rail service on an 85-mile corridor, between Milwaukee and Chicago. The Amtrak Hiawatha Service is a critical part of the Milwaukee-Chicago multimodal transportation corridor. The Hiawatha Service serves over 800,000 passengers per year and plays an important role in multi-modal connections, particularly at the Milwaukee Airport Rail Station (air and ground transportation), and the Milwaukee Intermodal Station (intercity bus, transit, taxi, rental car, car sharing, and bike sharing). The Audit and Contract Administration Section's audit function also receives a small amount of federal funds.

### **C. Bilingual Support or Translation Services**

The Contract Administration Program Area did not receive any requests for bilingual support or translation services in FFY 2019.

### **D. Title VI Training**

All new employees in the Consultant Services and Project Management Section and the Audit and Contract Administration Section take the mandatory “Title VI: Knowing Your Role” training module. All new Consultant Services and Project Management Section employees within the past two years have taken the module.

### **E. Public Meetings**

The Contract Administration Program Area does not conduct public involvement meetings.

### **F. Dissemination of Title VI Information**

The Audit and Contract Administration Section ensures that the clauses of Appendix A and Appendix E of *U.S. DOT Order No. 1050.2A, Standard Title VI Assurances* are programmed to automatically build into the standard provisions for design engineering contracts and general provisions for construction engineering contracts. These “boilerplates” for design engineering contracts and construction engineering contracts reflect language meeting all of the appropriate state and federal laws and regulations. The boilerplates are not to be altered, and the newest version must always be used. Boilerplate language not pertaining for a particular contract or additional necessary language are deleted/added through special provisions. Boilerplates are incorporated by reference into the contract cover/signature pages. Boilerplates and signature pages are located on the internet at <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/contracts/con-docs.aspx>. By signing and entering into a contract with WisDOT, the prime contractor indicates its understanding of the contract requirements. The Audit and Contract Administration Section reviews all contracts ensuring that the boilerplates are included in each contract.

### **G. Complaints**

The Contract Administration Program Area did not receive any Title VI complaints in FFY 2019.

### **H. Manuals or Guidance**

Complete information on the selection of consultants, contract negotiations, contract provisions, and format is in Chapter 8 “Consultant Services” of the Facilities Development Manual (FDM). The FDM is located on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/fdm.aspx>.

### **I. Colleges and Universities**

The Consultant Services and Project Management Section does not work with colleges or universities. The Audit and Contract Administration Section works minimally with colleges and universities. WisDOT’s Research Program is managed by the Research and Library Services Unit in the Office of Management and Budget.



## J. Data Collection

FHWA's Sample Data Collection and Assessment worksheet was included in this year's program review. Title VI liaisons were asked to identify the collection personnel, data contact, and internal system/resource for each data point in their program area of the assessment worksheet.

Data	Data Collector
Construction Contracts – provisions, bidding, and prequalification	Proposal Management Section
Construction Contracts - bidding	Disadvantaged Business Enterprise (DBE) Section
Professional Services Contracts – provisions, bidding, and selection and award	Consultant Services and Project Management Section
Professional Services Contracts – provisions	Audit and Contract Administration Section
Contract Amounts – consultants	Consultant Services and Project Management Section; Audit and Contract Administration Section
Contract Amounts – construction	Proposal Management Section
Construction Contracts – mitigation commitments, traffic control, and pedestrian accommodation	Proposal Management Section; Design and Construction Technologies Section

For construction contracts – provisions, bidding, and prequalification: Proposal Management Section in the Bureau of Project Development. The DBE Program in the Office of Business Opportunity and Equity Compliance was also identified for construction contracts – bidding. For professional services contracts – provisions (boiler plates), bidding (competitive selection), and selection and award: Consultant Services and Project Management Section. The Audit and Contract Administration Section was also identified for professional services contracts - provisions (boilerplates). For contract amounts – consultants: Consultant Services and Project Management Section and the Audit and Contract Administration Section. For contract amounts – construction: Proposal Management Section. For construction contracts – mitigation commitments, traffic control and pedestrian accommodation: Proposal Management Section and the Design and Construction Technologies Section/Design and Construction Automation and Publications Unit.

## K. Procurement

WisDOT procures construction and consultant services periodically. Construction contract bid lettings are held the second Tuesday of every month except in October. In FFY 2019, WisDOT held 11 bid lettings including 209 of 315 including federal funds.

Design/Related services solicitations are scheduled every other month. In FFY 2019, WisDOT held 6 design/related services solicitations. Construction/Related services solicitations are held once a year. In FFY 2019, WisDOT held 1 construction/related services solicitation.

For the first half of FFY 2019 (October 1 -March 31), construction and consultant contracts award and commitments were distributed as follows:

<b>Ethnicity &amp; Gender</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Black American	\$318,634	\$5,663,504	\$5,982,138
Hispanic American	\$297,602	\$910,586	\$1,208,188
Native American	\$2,259,230	\$7,679,085	\$9,938,315
Asian-Pacific American	\$114,435	\$31,959	\$146,394
Subcontinent Asian American	\$0	\$1,107,277	\$1,107,277
Non-Minority	\$27,198,016	\$211,996	\$27,410,012
<b>TOTAL</b>	<b>\$30,187,918</b>	<b>\$15,604,406</b>	<b>\$45,792,324</b>

For the second half of FFY 2019 (April 1 – September 30), construction and consultant contracts award and commitments were distributed as follows:

<b>Ethnicity &amp; Gender</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Black American	\$0	\$50,329	\$50,329
Hispanic American	\$0	\$57,000	\$57,000
Native American	\$0	\$1,174,510	\$1,174,510
Asian-Pacific American	\$443,050	\$90,356	\$533,406
Subcontinent Asian American	\$0	\$1,675,850	\$1,675,850
Non-Minority	\$11,082,306	\$0	\$11,082,306
<b>TOTAL</b>	<b>\$11,525,356</b>	<b>\$3,048,045</b>	<b>\$12,907,249</b>

Total construction and consultant contract awards and commitments for FFY 2019 were distributed as follows:

<b>Ethnicity &amp; Gender</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Minority	\$3,432,952	\$18,440,455	\$21,873,407
Non-Minority	\$38,280,322	\$211,996	\$38,492,318
<b>TOTAL</b>	<b>\$41,713,274</b>	<b>\$18,652,451</b>	<b>\$60,365,725</b>

## *Environmental Program Area*

WisDOT avoids or minimizes the impacts of transportation projects to the natural and human environment while delivering projects efficiently. Balancing the department's environmental responsibilities with transportation program needs requires regulatory process expertise and a thorough understanding of state and federal environmental requirements. Environmental professionals in each regional office and in the central office work to achieve this balance.

Central office environmental staff are responsible for environmental program oversight, policy development, and training. Environmental coordinators in the regional offices serve as regional environmental resources and provide focused support directly to WisDOT project design and development teams. The central office environmental program staff are divided into two specialized groups: Environmental Services Section and Environmental Process and Documentation Section. Together, these two sections provide environmental expertise and regulatory process guidance to WisDOT staff, consultants and contractors, and are liaisons to the Federal Highway Administration (FHWA) Environmental Program.

### **A. Title VI Liaisons**

The Environmental Process and Documentation Section Chief and the Environmental Services Section Chief are the Title VI liaisons for the Environmental Program.

### **B. Federal Funds**

The Environmental Process and Documentation Section and the Environmental Services Section ("Environmental Program") does not receive federal funds directly. The Environmental Program works on projects and ensures that the five regional offices in the Division of Transportation System Development are compliant on projects. The Environmental Program works with the WisDOT Bureau of Aeronautics on environmental documents, Bureau of Transit, Local Roads, Railroads, and Harbors on Transportation Facilities Economic Assistance and Development (TEA) and Transportation Alternatives Program (TAP) projects, and on Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) projects.

The Environmental Program works on every type of environmental document except Section 4F which are 5-10% of documents. The majority of environmental documents are Programmatic Categorical Exclusions (PCE), Categorical Exclusions (CE), and Environmental Reports (ERs). The Environmental Program also works on Environmental Assessments (EA) and Environmental Impact Statements (EIS).

### **C. Bilingual Support or Translation Services**

The Environmental Program did not receive any requests for bilingual support or translation services in FFY 2019. The Environmental Program does not generally receive requests for bilingual support or translation services. The Environmental Process and Documentation Section may receive a request and will direct the request back to the regional office to respond. The majority of requests are from the Southeast and Southwest regions. Requests are received from the Northeast region on rare occasions. Bilingual support provided for the Hmong population in the Southwest region, such as utilizing Hmong radio stations is done by the Regional Communication Manager (RCM) and Regional Environmental Coordinator (REC).

#### **D. Title VI Training**

The Environmental Program does not provide Title VI training directly but does sponsor and facilitate Title VI-related training. The Environmental Program sponsors the National Highway Institute (NHI) “Fundamentals of Environmental Justice” course every three years for RECs and project staff. Training for new RECs has a small Environmental Justice component. New environmental staff take the “Title VI: Knowing Your Role” training required of all new employees. The Environmental Process and Documentation Section also provides a CE Workshop in which “Title VI and Environmental Justice” is an element.

#### **E. Public Meetings**

The five regional offices conduct public involvement meetings and public hearings. The Environmental Program is very involved in public involvement meetings and public hearings. Environmental Process and Documentation Section staff attend all public involvement meetings. Staff also attend public hearings. The Environmental Process and Documentation Section developed the public hearing process. The Environmental Process and Documentation Section also developed and updates as needed Chapter 6 “Public Involvement” of the Facilities Development Manual (FDM). (<https://wisconsindot.gov/rdwy/fdm/fd-06-00toc.pdf>) Environmental Process and Documentation Section staff attend all meetings where the environmental document is the subject and special meetings about noise barriers.

Sign-in sheets are used at public involvement meetings for recording names and addresses of attendees. Public hearing records also capture attendee information. Regional offices do some type of public involvement for all projects depending upon the scope of the project. There is a Public Involvement Plan for every project detailing how to engage the public, demographics of the population in the area, good faith efforts, and analysis tools such as the EJSSCREEN. Statistical data is tracked for all environmental documents including Programmatic Categorical Exclusions, Categorical Exclusions, Environmental Reports, Environmental Assessments, and Environmental Impact Statements. Regional staff upload the data to a sharepoint site for the Environmental Process and Documentation Section. Meeting locations are tracked on sign-in sheets and public hearing legal notices. All meetings are held in publicly accessible buildings such as schools, churches, and local government offices (e.g. city hall).

#### **F. Dissemination of Title VI Information**

The Environmental Program wrote chapter 6 “Public Involvement” of the FDM six years ago and chapter 20 “Environmental Documents, Reports, and Permits” two years ago. (<https://wisconsindot.gov/rdwy/fdm/fd-20-00toc.pdf>) Legal notices are published for Environmental Assessments and Environmental Impact Statements. The Environmental Program’s primary goal is project delivery, ensuring that projects are legally defensible and meet federal and state requirements. Staff participate on the American Association of State Highway and Transportation Officials (AASHTO) and Transportation Research Board (TRB) committees to stay current on federal and state regulations and best practices.

## G. Complaints

The Environmental Program did not receive any Title VI complaints in FFY 2019. The Environmental Program does not receive Title VI complaints directly but is integral in resolving issues raised in complaints and lawsuits against projects.

## H. Manuals or Guidance

The Environmental Program produces chapter 6 “Public Involvement” and chapter 20 “Environmental Documents, Reports, and Permits” of the FDM. The Environmental Program also provides Factor Sheets and Guidance that can be used for every environmental document if needed. The Factor Sheets and Guidance are updated as needed. Both the FDM and Factor Sheets are available to the public on WisDOT’s website at <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>.

## I. Colleges and Universities

The Environmental Program does not work with colleges and universities but works on noise studies done by the University of Wisconsin and WisDOT Research Program. Staff work on Project Action Committees and, through public involvement plans, may work directly with Environmental Justice populations.

## J. Data Collection

FHWA’s Sample Data Collection and Assessment worksheet was included in this year’s program review. Title VI liaisons were asked to identify the collection personnel, data contact, and internal system/resource for each data point in their program area of the assessment worksheet.

Data	Collection Personnel	Data Contact	Internal System/Resource
Public Involvement	Regional Project Managers	Regional Environmental Coordinators	Environmental document and public hearing record
Public Involvement - civil rights personnel meeting attendance	Title VI Office	Title VI Office	Internal spreadsheet
Project Scoping	Regional Environmental Coordinators and/or Regional Planning Staff	Regional Environmental Coordinators and/or Regional Planning Staff	Project file
Environmental Review	Environmental Analysis Review Specialist in Environmental Process and Documentation Section	Environmental Analysis Review Specialist in Environmental Process and Documentation Section	Environmental Process and Documentation Section sharepoint site

## **V. SUBRECIPIENT REVIEWS**

The External Monitoring Program contains WisDOT's procedures and process to monitor the compliance of subrecipients (e.g.: MPOs and RPCs) under the Title VI/Nondiscrimination requirements.

### **WisDOT External Monitoring Procedures**

In the future, the Title VI Coordinator will work with DTIM to participate in the Certification Reviews of Metropolitan Planning Organizations (MPOs) assists in development of the Federal Transit Administration (FTA) Title VI process which can overlap with WisDOT Title VI/Nondiscrimination obligations.

The Title VI/Nondiscrimination Coordinator will work toward choosing and reviewing a specific part of Subrecipient Title VI programming with a sampling of Subrecipients during the Federal Fiscal Year (FFY).

The annual Subrecipient Survey helps to identify higher-risk agencies and the level of FHWA funding received by subrecipients will be used as a determinant for review selection.

A mutually decided-upon number of subrecipients are chosen for a review. Metrics to identify subrecipients to review include the following: size of subrecipient's workforce, amount of FHWA funds received by Subrecipient, whether the Subrecipient administers any phase of an FHWA-funded project or does the Subrecipient only receive an FHWA-funded project fully constructed to maintain into the future.

### **Title VI Coordinator Responsibilities**

Each year, the WisDOT Title VI Coordinator is responsible for:

- Sending subrecipients an FHWA *Subrecipient Title VI Agreement and Assurances*, to be agreed upon and signed by the responsible official at each subrecipient agency or organization and the WisDOT Title VI Coordinator. This Subrecipient Agreement takes the place of the required FHWA Title VI/Nondiscrimination Implementation Plan for subrecipients.
- Monitoring Subrecipient Title VI/Nondiscrimination compliance through the annual *Subrecipient Survey*. The *Survey* acts as a Work Plan and Accomplishments report for Subrecipients.
- Tracking and analysis of data collected on Subrecipient compliance.
- Summarizing and reporting Survey results and analysis to the FHWA Division Office of Civil Rights as part of the WisDOT Title VI/Nondiscrimination Work Plan & Accomplishments Report.

### **Subrecipient Responsibilities and Procedures**

Subrecipients must annually submit the *Subrecipient Title VI/Nondiscrimination Agreement and Assurances* to the WisDOT Title VI/Nondiscrimination Coordinator.

Subrecipients of WisDOT federal-aid funds submit the annual *FHWA Subrecipient Title VI Agreement and Assurances* which assures that no person shall, on the grounds of race, color, national origin, sex, age, disability, low-income or limited English proficiency be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Subrecipients are expected to ensure that every effort will be made to enforce nondiscrimination in all programs and activities whether those programs and activities are federally-funded or not.

Subrecipients must annually submit the *Title VI Subrecipient Survey* to the WisDOT Title VI/Nondiscrimination Coordinator to take the place of, and fulfill the requirement for a Title VI/Nondiscrimination Work Plan & Accomplishments Report.

Within the Survey, subrecipients report on additional compliance measures, the status of their Title VI Programs, staffing, and related activities such as language access and environmental justice.

**Regional Planning Commissions (9):**

Bay-Lake RPC (BLRPC)

Capital Area RPC (CARPC)

East Central Intergovernmental Association (includes southwestern corner of Wisconsin)]

East Central Wisconsin RPC (ECWRPC)

Mississippi River RPC (MRRPC)

North Central Wisconsin RPC (NCWRPC)

Northwest RPC (NWRPC)

Southeastern Wisconsin RPC (SEWRPC)

Southwestern Wisconsin RPC (SWRPC)

West Central Wisconsin RPC (WCRPC)

**Metropolitan Planning Organizations (13):**

Beloit MPO (Stateline Area Transportation Study/City of Beloit)

Chippewa - Eau Claire MPO (housed and staffed by West Central Wisconsin RPC)

Dubuque Metropolitan Area Transportation Study (MPO housed and staffed by East Central Intergovernmental Association)

Fond du Lac MPO (housed within East Central Wisconsin RPC)

Fox Cities MPO (housed and staffed by East Central Wisconsin RPC)

Green Bay MPO (Brown County Planning Commission)

Janesville Area MPO

La Crosse MPO (La Crosse Area Planning Committee)

Madison MPO (Madison Area Transportation Board)

Oshkosh MPO (housed within East Central Wisconsin RPC)

Sheboygan MPO (housed and staffed by Bay-Lake RPC)

Superior MPO (housed and staffed by Northwest RPC)

Wausau MPO (Marathon County Metropolitan Planning Commission)

\*MPOs of Southeastern Wisconsin were surveyed as part of Southeastern Wisconsin RPC and are not counted as separate MPO reviews).

**Sub-recipient Title VI/Nondiscrimination Assurances and Assurances received in FFY 2019:**

Sub-recipient	Assurances signed by Executive Director	Agreement on file	Title VI Coordinator
Bay-Lake RPC	Yes	Yes	Yes
Brown County Planning Commission (Green Bay MPO)	Yes	Yes	No
Capital Area RPC	Yes	Yes	Yes
Chippewa-Eau Claire MPO (West Central Wisconsin RPC)	Yes	Yes	Yes
East Central Wisconsin RPC	Yes	Yes	Yes
Fond du lac MPO	Yes	Yes	Yes
La Crosse Area Planning Committee	Yes	Yes	No
Mississippi River RPC	Yes	Yes	Yes
Northwest RPC	Yes	Yes	No



## **VI. TRAINING**

### **A. Title VI Staff**

Title VI staff (OBOEC Director, Senior Title VI and ADA Coordinator, and Title VI Program Coordinator) received annual Title VI training from the FHWA Headquarters Office of Civil Rights. Title VI staff attended the following training webinars:

- Overview of FHWA Title VI complaints – February 5, 2019
- Title VI: Writing effective implementation plans – March 12, 2019
- Title VI data collection and analysis – April 10, 2019

Title VI staff will attend Title VI training from the FHWA Headquarters Office of Civil Rights. Training webinar topics to be determined.

### **B. Title VI Liaisons**

10 Title VI Advisory Committee members attended Title VI training from the FHWA Resource Center on January 9, 2019. The training webinar was titled, "Title VI: Nondiscrimination in the Federal-aid Program."

Title VI Advisory Committee members will attend annual Title VI training from the FHWA Resource Center. The training webinar is titled, "Title VI: Nondiscrimination in the Federal-aid Program."

### **C. Other Employees**

309 new employees (301 staff and 8 supervisory staff) completed the "*Title VI: Knowing Your Role*" training as part of the New Employee Orientation Program. This introductory online module explains the parameters of Title VI and the employee role in ensuring nondiscrimination in WisDOT programs, activities, and services.

All new WisDOT employees including staff, supervisors, and managers will complete the "*Title VI: Knowing Your Role*" training as part of the New Employee Orientation Program.

All WisDOT employees including new, limited-term, and permanent will also be required to complete the "*Title VI and Nondiscrimination*" training once every two years. This second online module provides an in-depth understanding of Title VI and related nondiscrimination laws, facts and figures, and case studies.

### **D. Subrecipients**

Each year, subrecipients' training needs will be assessed and delivered through various methods. Some training needs will be self-reported by subrecipients through the *Annual Title VI Subrecipient Survey* and additional needs will be assessed through WisDOT's subrecipient review procedures. Training may be provided to subrecipients on an individual or group basis, depending on need. Subrecipients may be provided with the option to attend training offered through WisDOT. A list of possible methods of subrecipient Title VI training delivery includes the following:

- Presentation by Title VI Office staff or WisDOT HR staff:
  - At semi-annual MPO Director's meetings held in Madison.
  - At annual WisDOT Planning Conference held in the fall at a different location each year.
  - Conferences or meetings held by other WisDOT program areas.
  - Conferences or meetings held by MPOs or RPCs.
  - Project meetings held by WisDOT at various project locations.

- Online Training Modules for WisDOT and subrecipient personnel.
- Resource referrals that bring Title VI, ADA, LEP, and EJ websites and resources to the attention of subrecipients on a regular basis.

Methods for determining subrecipient training needs and delivery will be re-evaluated and updated on a regular basis.

## **VII. TITLE VI COMPLAINTS**

The Title VI Office received 8 complaints and 7 requests for technical assistance. The bases are shown below. Some complaints contained more than one basis.

- Disability – 10
- Race - 4
- National Origin - 3

Status of complaints:

- Referred to NHTSA - 5
- Did not meet time filing limits – 1
- Resolved informally - 1
- Open – 5

Five complaints remain open and are being processed by the National Highway Traffic Safety Administration (NHTSA). The complaints log is available any time for inspection.

**VIII. CORRECTIVE ACTION PLANS**

**A. Program Area Reviews**

- Work with selected program areas in collecting and analyzing data to identify and address any trends/patterns of discrimination in their respective bureaus.
- Explore training opportunities for WisDOT program areas to ensure compliance with Title VI, specifically in collecting Title VI data and analyzing the data to identify and address any trends/patterns of discrimination.
- Ensure operating or informational manuals include the required Title VI information and procedures to implement these requirements.

**B. Reviews Conducted**

Action Step	Timeline	Participants	Results
Review FFY 2019 results	Q1 (Oct 1 – Dec 31)	Title VI Office	
Review FFY 2019 reported data and analysis	Q1 (Oct 1 – Dec 31)	Title VI Office	
Prepare a plan for these reviews on an ongoing basis	Q2 (Jan 1 – Mar 31)	Title VI Office	
Provide feedback to improve program area Title VI efforts, reporting, and compliance	Q2 (Jan 1 – Mar 31)	Title VI Office & Title VI Liaisons	

**C. Upcoming Reviews**

Action Step	Timeline	Participants	Results
Identify documents that should be reviewed for compliance	Q3 (Apr 1 – Jun 30)	Title VI Office	
Develop a plan, strategy and process for document reviews	Q3 (Apr 1 – Jun 30)	Title VI Office	
Conduct document reviews	Q3 (Apr 1 – Jun 30)	Title VI Office & Title VI Liaisons	
Schedule review with program area	Q4 (Jul 1 – Sep 30)	Title VI Office & Title VI Liaisons	
Conduct reviews	Q4 (Jul 1 – Sep 30)	Title VI Office & Title VI Liaisons	

**IX. APPENDICES**

## Appendix 1: Title VI Questionnaire for Program Areas

*Federal Title VI compliance measures are:*

- Notices to the public
- Complaints
- Training
- Reasonable accommodation requests
- Language access services
- Public involvement meetings
- Contracts
- Dissemination of Title VI information

*Questions*


1. Does your program receive federal funds? If yes, from whom?
2. Does your program utilize federal funds in the implementation of its assigned responsibilities?
  - a. If yes, which services do you provide?
  - b. To whom do you provide those services? List customers, stakeholders.
3. Has your program received any requests for bilingual support or translation services from customers/stakeholders?
4. What Title VI Training did your office provide? OR What Title VI training has staff in your program attended?
5. Does your program conduct public meetings?
  - a. Subject/purpose
  - b. Location attendees
6. How does your program disseminate WisDOT's nondiscrimination obligations and commitment?
7. Does your program receive Title VI complaints of discrimination?
  - a. If yes, how many?
  - b. How did you route/refer the complaints?
8. Does your program own or create any manuals or guidance that is shared with the public? Do those documents include nondiscrimination clauses, commitment?
  - a. Please list & attach
9. Does your program work with colleges or universities? Are any of the educational institutions minority institutions of higher learning?

Wisconsin Department of Transportation


# Notice of Nondiscrimination Title VI of the Civil Rights Act of 1964



The Wisconsin Department of Transportation (WisDOT) complies with Title VI of the Civil Rights Act of 1964 and other related nondiscrimination statutes. Title VI and other related nondiscrimination statutes prohibit unfair and inequitable treatment of any person based on race, color, national origin, sex, age or disability.

 If you believe that while accessing WisDOT's programs, activities or services, you have been discriminated against because of your race, color, national origin, sex, age or disability, you may file a complaint by mail, fax or email with:

**Taqwanya Smith**  
Senior Title VI and ADA Coordinator  
Office of Business Opportunity  
and Equity Compliance  
Wisconsin Department of Transportation  
4822 Madison Yards Way,  
5th Floor-South  
Madison, Wisconsin 53705  
Phone: (608) 266-8129  
TTY: (800) 947-3529  
Fax: (608) 267-3641  
Email: [taqwanya.smith@dot.wi.gov](mailto:taqwanya.smith@dot.wi.gov)  
Website: <https://wisconsin.dot.gov/Pages/doing-bus/civil-rights/titlevi-ada/filingcomplaint.aspx>

 You may also file a complaint with the U.S. DOT, Federal Highway Administration, Office of Civil Rights, by email or mail at:

**Federal Highway Administration**  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
Phone: (202) 366-0693  
Email:  
[FHWA.TitleVIcomplaints@dot.gov](mailto:FHWA.TitleVIcomplaints@dot.gov)  
Website: <https://www.fhwa.dot.gov/civilrights/file/>

8/1/2019

## Appendix 3: Subrecipient Title VI Assurances

### FHWA-SUBRECIPIENT

## TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT

FFY 2020

### Introduction

All recipients of federal funds must comply with Title VI of the Civil Rights Act of 1964 and other Nondiscrimination statutes that afford legal protections. The Wisconsin Department of Transportation (WisDOT) is a recipient of Federal Highway Administration (FHWA) financial assistance committed to ensuring nondiscrimination in all WisDOT programs and activities as demonstrated in our signed assurances and Title VI Implementation Plan. Because WisDOT directly or indirectly extends FHWA funds to you, your organization is an FHWA Subrecipient that is required to provide the same Title VI commitment, assurances and plan.

WisDOT is responsible for annual monitoring and reporting of the activities of its FHWA Subrecipients to verify compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes and regulations (hereinafter termed "Acts and Regulations") and to validate continued eligibility for FHWA financial assistance. The contents of this two-part **TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT** are the framework that assures organizational awareness, an implementation plan, and effectuating compliance with the Acts and Regulations.

This document must be signed by the highest responsible official in the Subrecipient's organization, typically the Executive Director, because the signed copy of this document is a binding legal agreement between WisDOT and the Subrecipient organization.

- The first Section entitled ***Part 1: Title VI Assurances*** is consistent with US Department of Transportation Order Number 1050.2A, *Standard Title VI/Non-Discrimination Assurances*.
  - Be advised that the official signing these Assurances must appoint and/or identify an individual as Title VI Coordinator as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21, who shall be responsible for data collection and analysis, and data submission to WisDOT. Your signature on the attached document confirms that the listed appointee has the authority and resources to fulfill the requirements of the *WisDOT Title VI Implementation Plan*.
- The second Section entitled ***Part 2: Implementation Plan Agreement*** outlines your organization's Title VI activities, data collection, and reporting; the signed agreement serves as your organization's *submission of its implementation plan*.

Note that signature and submission of the attached documents are only applicable to FHWA Title VI compliance. If your organization is subject to Title VI compliance requirements for other USDOT operating administrations or other federal fund recipients, you are encouraged to review the requirements of each entity to ensure active implementation and assure compliance with appropriate, separate submissions.

### INSTRUCTIONS for Part 1: TITLE VI ASSURANCES

1. Fill-in all blanks with the appropriate information (search for the word "Click" to find all blanks).
2. The following *Assurances* must be signed, on page 7, by the highest responsible official in your agency/organization.
3. Promptly submit the following document, completed, signed and scanned to the Wisconsin Department of Transportation, attention Mary Robb [mary.robbs@dot.wi.gov](mailto:mary.robbs@dot.wi.gov).



If you need assistance, please contact Mary Robb by email [mary.robb@dot.wi.gov](mailto:mary.robb@dot.wi.gov) or phone at 608-267-4489.

***The following pages are the required Title VI Assurances to be signed and returned.***

The following **Part 1: Title VI Assurances** document is a legally binding agreement between the Wisconsin Department of Transportation (WisDOT) and *[Click and type name of Subrecipient agency/organization]*, a WisDOT Subrecipient of Federal Highway Administration (FHWA) funds.

### **SUBRECIPIENT TITLE VI COORDINATOR FOR FHWA ACTIVITIES AND MONITORING:**

**NAME:** *[Click and type here to enter text]* **Title:** *[Click and type here to enter text]*

**ORGANIZATION:** *[Click and type name of Subrecipient agency/organization]*

**MAILING ADDRESS:** *[Click and type here to enter text]*

**EMAIL ADDRESS:** *[Click and type here to enter text]*

**PHONE:** *[Click and type here to enter text]* **Fax :** *[Click and type here to enter text]*

Name of the signatory on **Part 1: Title VI Assurances** (see Page No. 7): *[Click and type here to enter text]*

Does your organization require the approval of a Board or Commission to execute this **Part 1: Title VI Assurances** *(click on box to insert "X")*?    Yes  No

If yes, provide date of expected Board or Commission approval: *[Click and type here to enter text]*

**FHWA-SUBRECIPIENT  
TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT  
FFY 2020**

## **Title VI Policy Statement**

The *[Click and type name of Subrecipient agency/organization]*, a WisDOT Subrecipient of FHWA funds, (hereinafter referred to as the “Subrecipient”) assures that no person shall, on the grounds of race, color, national origin or sex as provided by Title VI of the Civil Rights Act of 1964, Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324), and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Subrecipient further assures every effort will be made to ensure non-discrimination in whether those programs and activities are federally-funded or not.

In other words, this organization has implemented procedures, policies and actions to ensure nondiscrimination in all of its programs and activities; and offers the signature of its highest official as a reasonable guarantee of compliance with all nondiscrimination laws and requirements.

## **Authorities**

The above Title VI Policy Statement and the following provisions of these **Assurances** are provided under a range of federal Acts and Regulations [see 23 CFR 200.5(p)]. References to Title VI requirements and regulations are not solely limited Title VI of the Civil Rights Act of 1964. Where appropriate, “Title VI requirements” also refer to the civil rights provisions of other federal statutes and related implementation regulations to the extent that they prohibit discrimination on the grounds of race, color, national origin or sex in all its programs, activities and operations receiving federal financial assistance. The Title VI authorities are:

### **Nondiscrimination Acts**

- **Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides:** No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- **Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324) provides:** No person shall, on the ground of sex, 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 on under this Title.
- **The Civil Rights Restoration Act of 1987 (P.L. 100-209), provides:** Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. The Act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

### **Nondiscrimination Regulations**

- 23 CFR 200, Title VI Program and Related Statutes-Implementation and Review Procedures
- 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964
- USDOT Order 1050.2A, *Standard Title VI/Non-Discrimination Assurances*

# **Part 1: TITLE VI ASSURANCES**

*USDOT Standard Title VI/Non-Discrimination Assurances*

# **The United States Department of Transportation (USDOT)**

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

### **DOT Order No. 1050.2A**

The (***Title of Sub-Recipient***) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through ***Federal Highway Administration***, 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 seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 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*);
- 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*);

***Federal Highway Administration may include additional Statutory/Regulatory Authorities here.***

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

#### **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, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the (***Federal Highway Administration***).

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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

***Federal Highway Administration may include additional General Assurances in this section or reference an addendum here.***

## **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted (**Name of Appropriate Program**):

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 21.23 (b) and 21.23 (e) of 49 C.F.R. 21 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 all (**Name of Appropriate Program**) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The (**Title of Sub-Recipient**), 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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. "

3. The Recipient will insert the clauses of Appendix A 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 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.

***Federal Highway Administration may include additional Specific Assurances in this section.***

By signing this ASSURANCE, *[Name of the Sub-Recipient]* 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 *[Wisconsin Department of Transportation's]* 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 *[Wisconsin Department of Transportation]*. You must keep records, reports, and submit the material for review upon request to *[Wisconsin Department of Transportation]*, 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.

*[Name of Sub-Recipient]* 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 U.S. Department of Transportation under the *(Name of Appropriate Program)*. This ASSURANCE is binding on *[Wisconsin]*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *(Name of Appropriate Program)*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

*[Click and type name of Subrecipient agency/organization]*

*(Name of Sub-Recipient)*

**By**

---

*(Signature of Authorized Official)*

**DATED:**

# 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 Highway Administration*), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. [*Include Federal Highway Administration specific program requirements.*]
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, or national origin. [*Include Federal Highway Administration specific program requirements.*]
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 (*Federal Highway Administration*) 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 (*Federal Highway Administration*), as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the (*Federal Highway Administration*) 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 (*Federal Highway Administration*) 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.

## Appendix B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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 U.S. Department of Transportation as authorized by law and upon the condition that the (Title of Sub-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 (Naming of Appropriate Program), and the policies and procedures prescribed by the (Federal Highway Administration) of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation 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 Sub-Recipient) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto (Title of Sub-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 Sub-Recipient), its successors and assigns.

The (Title of Sub-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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [ , ] [and] \* (2) that the (Title of Sub-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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]. \*

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



## Appendix C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Sub-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:
  - I. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Sub-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 Sub-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 Sub-Recipient***) and its assigns. \*

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