

# FFY 2020

# WISCONSIN DEPARTMENT OF TRANSPORTATION TITLE VI/NONDISCRIMINATION IMPLEMENTATION PLAN WITH ASSURANCES



Office of Business Opportunity & Equity Compliance  
September 30, 2019

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## INTRODUCTION

Wisconsin Department of Transportation is a recipient of federal funds from the U.S. Department of Transportation Federal Highway Administration (FHWA). As a recipient of federal funding, Wisconsin Department of Transportation (WisDOT) must be obligated to comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. FHWA reporting guidelines require the annual submission of a Title VI/Nondiscrimination Implementation Plan that is monitored and updated periodically to reflect our program and practices.

This plan is intended to be a living document that demonstrates WisDOT's commitment to deliver FHWA programming that ensures that all individuals have an opportunity to participate in, and receive the benefits of all programs, services and activities.

**WisDOT welcomes your** input and comments regarding this Title VI Program Implementation Plan. Please contact the Title VI Program Manager:

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## I. Title VI Standard Assurances

In accordance with USDOT Order 1050.2A, a copy of DOT's Title VI Nondiscrimination Assurances signed by DOT's Director is located at Appendix A.

## II. Wisconsin Department of Transportation Mission, Vision and Values

**MISSION:** Provide leadership in the development and operation of a safe and efficient transportation system.

**VISION:** Dedicated people creating transportation solutions through innovation and exceptional service.

### VALUES

Accountability	Being individually and collectively responsible for the impact of our actions on resources, the people we serve, and each other.
Attitude	Being positive, supportive and proactive in our words and actions.
Communication	Creating a culture in which people listen and information is shared openly, clearly, and timely - both internally and externally.
Excellence	Providing quality products and services that exceed our customers' expectations by being professional and the best in all we do.
Improvement	Finding innovative and visionary ways to provide better products and services and measure our success.
Integrity	Building trust and confidence in all our relationships through honesty, commitment and the courage to do what is right.
Respect	Creating a culture where we recognize and value the uniqueness of all our customers and each member of our diverse organization through tolerance, compassion, care and courtesy to all.
Teamwork	Creating lasting partnerships and working together to achieve mutual goals.

These dovetail completely with our Title VI efforts and will ever engage us and push us to be a better service agency and of the highest value to all we serve.

These precepts shape our perceptions of what we do in every endeavor of our organization and are posted everywhere for our employees, partners and stakeholders to perceive and understand. Providing leadership with dedicated people whose values include positive attitudes toward one another, creating a culture of communication, building integrity, respect for all cultures and the richly diverse communities that populate our state and affect the entire world, these are WisDOT's mission, vision and values.

## **ORGANIZATION/STAFF RESPONSIBILITIES**

### **A. Responsibility**

The Secretary of WisDOT is ultimately responsible for ensuring full compliance with the provisions of Title VI including the specific requirements in 23 CFR 200, *“Title VI Program and Related Statutes – Implementation and Review Procedures.”* In order to achieve compliance and promote opportunities, the Secretary of WisDOT has directed that nondiscrimination as set forth in this plan is required of all WisDOT employees.

The WisDOT Secretary has delegated Title VI responsibilities down the chain of command through administration and management to staff in each work unit to support the implementation of Title VI.

### **B. General Staff Responsibilities**

Each work unit will conduct adequate monitoring needed to identify potential Title VI issues as well as to illustrate opportunities to improve public involvement and access; and will convey the results through reports to the WisDOT Senior Title VI/ADA Coordinator. General focus areas include the following:

- Appropriate Title VI/Nondiscrimination language in WisDOT written documents created by and used in each work unit.
- Public involvement meetings and other activities designed to obtain public input into WisDOT programs, policies, and activities.
- The processes and documents used to solicit interest in WisDOT contract opportunities, whether construction, consulting, purchases, or other procurement vehicles.
- Appropriate Title VI/Nondiscrimination language in the resulting contracts, subcontracts, and related documentation.
- The location, manner, and method used by WisDOT to deliver services to members of the public.

### **C. Title VI Office Organization and Staffing**

The Title VI Office is located at the WisDOT headquarters building in Madison within the Office of Business Opportunity and Equity Compliance (OBOEC). Primary and directly tasked Title VI staff are: OBOEC Director, Senior Title VI/ADA Coordinator, Title VI Subrecipient Coordinator.

The Senior Title VI/ADA Coordinator and Title VI Subrecipient Coordinator report to the Director of the Office of Business Opportunity and Equity Compliance (OBOEC). The OBOEC Director reports to the Administrator for the Division of Transportation System Development, who in turn reports directly to the Secretary of WisDOT.

The OBOEC Director functions as a Title VI Manager, working collaboratively with federal and state authorities in communicating Title VI program requirements and supervising the Title VI Program staff to implement the Department’s Title VI Work Plan through programs, procedures and ongoing monitoring.

The WisDOT Senior Title VI/ADA Coordinator and Title VI Program Subrecipient Coordinator provide technical expertise, coordination, and program control of the WisDOT Title VI/Nondiscrimination Implementation Plan. Specific duties are described below.

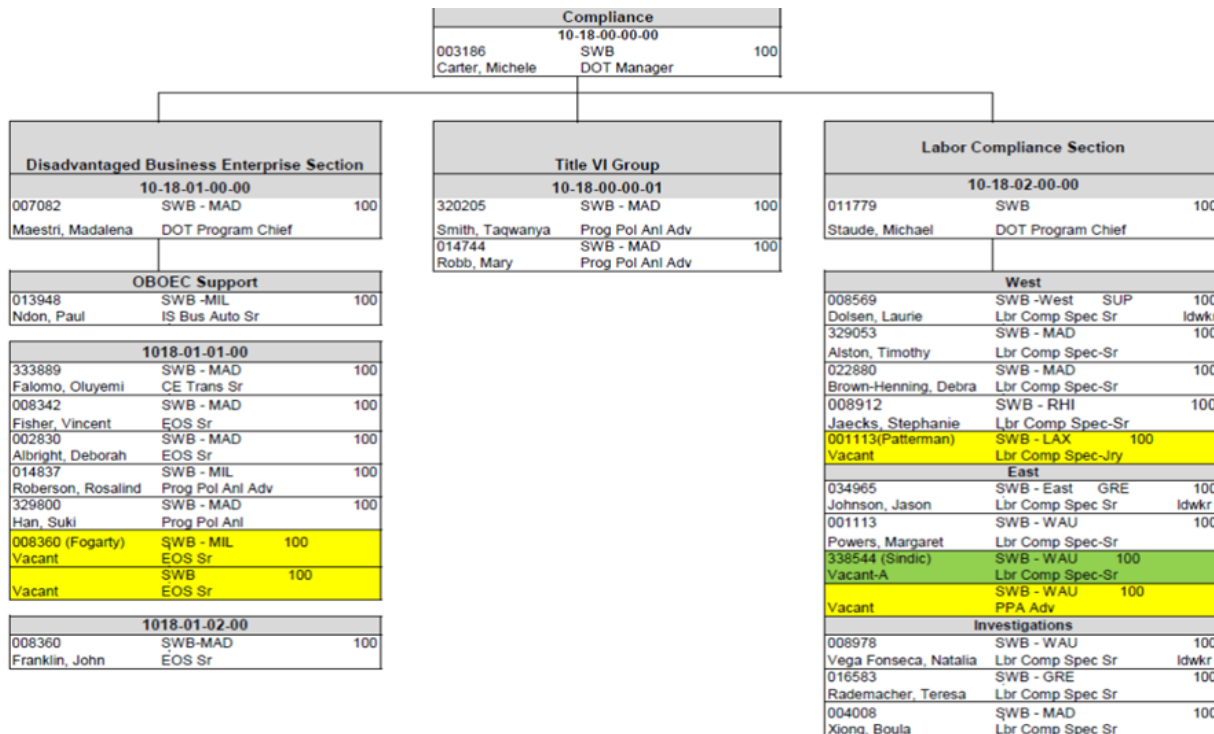
The Senior Title VI/ADA Coordinator is charged with the development, implementation, and administration of the Title VI/Nondiscrimination Implementation Plan. The Title VI Subrecipient Coordinator assists in these activities. A list of Title VI staff tasks follows:

1. Senior Title VI/ADA Coordinator	2. Title VI Subrecipient Coordinator
<ul style="list-style-type: none"> <li>• Develop and coordinate the implementation of the WisDOT Title VI/Nondiscrimination Program.</li> <li>• Process, investigate, and resolve all Title VI/Nondiscrimination complaints in accordance with TAM DIV 102 <i>"Title VI/Nondiscrimination Complaint Intake Procedure"</i> and time limitation.</li> <li>• Coordinate the Title VI/Nondiscrimination Program with program area managers or designees.</li> <li>• Assist internal program area officials in devising and implementing any monitoring activities deemed necessary for contractors, consultants, suppliers, vendors, lessors, universities, colleges, planning agencies, cities, counties, and other sub recipients of all WisDOT's programs and various WisDOT offices.</li> <li>• Assist work units in reviewing their procedures, guides, program directives, manuals, and other documents to determine whether appropriate Title VI/Nondiscrimination clauses.</li> <li>• Prepare annual reports of Title VI accomplishments and goals for past and next year</li> <li>• Resolve any deficiencies which may be discovered in the WisDOT Title VI/Nondiscrimination Program.</li> <li>• Collect statistical data from internal program areas necessary to evaluate the effectiveness of compliance with Title VI/Nondiscrimination requirements of any recipient of WisDOT.</li> <li>• Monitor WisDOT procedures and programs for compliance with Title VI/Nondiscrimination requirements in all program areas.</li> <li>• Establish procedures for resolving Title VI/ Nondiscrimination issues.</li> <li>• Coordinate Title VI Implementation Team meetings for Region Liaisons</li> <li>• Conduct annual reviews of selected program areas to determine the effectiveness of program area activities.</li> <li>• Create and conduct Title VI Training &amp; programs including the monthly training newsletter.</li> <li>• Provide technical assistance and advice on Title VI/Nondiscrimination matters to program areas.</li> <li>• Participate in the identification of Title VI impacts and mitigation measures of proposed projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate and support the implementation of the WisDOT Title VI/Nondiscrimination Program in 'non-FHWA funded' program areas</li> <li>• Provide Title VI technical assistance, guidance, and training to internal program areas excluding FHWA program areas, cities, counties, MPOs. RPCs.</li> <li>• Conduct MPO and RPC reviews to ensure compliance with the provisions of Title VI, EJ and LEP requirements.</li> <li>• Develop procedures for collecting statistical data on race, color, and national origin for participants and beneficiaries of the state highway program.</li> <li>• Develop and publish Title VI information for dissemination to the public; ensure that information is translated in languages other than English when requested and appropriate.</li> <li>• Develop procedures to conduct reviews of Metropolitan Planning Organizations (MPOs) and Planning District Commissions (PDCs) to ensure compliance with the provisions of Title VI, EJ and LEP requirements.</li> <li>• Attend MPO and public meetings or hearings involving Title VI issues in the event Civil Rights staff in the district is not able to attend.</li> <li>• Review environmental documents to identify and address social, economic and environmental effects and impacts.</li> <li>• Assist Title VI/ADA Coordinator by ensuring that Title VI requirements are included in non-FHWA program area directives and that procedures used have built in safeguards to prevent discrimination.</li> <li>• Collaborate with and/or assist Title VI Specialist in conducting reviews.</li> <li>• Coordinate agency Title VI Implementation Committee Team meetings</li> <li>• Prepare annual reports of Title VI accomplishments and goals for past and next year</li> <li>• Research Title VI/Nondiscrimination training to coordinate a training referral system for internal and external partners</li> </ul>

### 3.a. Organizational Chart: Snapshot identifying placement of Civil Rights Unit within OBOEC



### 3.b. Organization Chart: Office of Business Opportunity & Equity Compliance Hierarchy - Title VI Group





## **PROGRAM REVIEW PROCEDURES**

### **A. Procedures for Conducting Reviews of Program Areas**

Programs scheduled for review will be notified by email at least 30 days in advance to coordinate a date that allows the program area management and a data collector to participate. The notice of review includes a simplified compliance questionnaire.

1. Notify program area Directors and Managers of due date of reports. Schedule corresponding meeting to review requirements and address questions and share educational resources.
  - a. OBOEC Director (Title VI Manager) uses recurring Administrator -level meeting to give an overview and announce Title VI review/report requirement due date.
2. OBOEC Director (Title VI Manager) and Senior Title VI/ADA Coordinator meet with program area managers individually to review responses to questionnaire and confirm their data sources for Title VI data collection which is typically the software they use and location of shared drives.
3. Program Area Managers submit the required data no later than 30 days after the meeting.
4. Senior Title VI/ADA Coordinator drafts a Compliance Status Summary including recommendations for remediation such as a staff training schedule denoting due dates.
5. If a program area is determined to be non-compliant, the Bureau/Region Director will be sent a Notice of Deficiency that outlines corrective measures, allows 30 days to schedule a remedial meeting and an additional 30 days for resolution. An additional 30 days may be granted if requested in writing with a plan schedule. Failure to follow through will be reported to the WisDOT Chief Engineer (DTSD Administrator).

### **B. Priorities for Internal Program Area Reviews**

Our priority for internal monitoring are program areas that consistently interact with the public. Accordingly, Construction, Environment and Planning will be audited on a rotational basis. If a complaint is submitted regarding any program area, we will conduct a full review as a cautionary and educational measure. Reviews will capitalize on the opportunity to educate and assist program area staff into compliance. Thus, we will always:

- Provide advance notification to management-level staff
- Offer Technical Assistance and Title VI Training referrals using our Training Lists
- Conduct in person-meetings to describe requirements and ascertain understanding and implementation of Title VI obligations
- Interview at least one staff who provides direct service to validate Title VI awareness and implementation and awareness.

### **C. Internal Monitoring**

**Desk Audits:** The Title VI Office annually performs desk audits of eight program areas: Planning, Environment, Design, Right-of-Way/Real Estate, Construction, Contract Administration, Local Programs, and Maintenance. The desk audit reviews seven compliance measures for performance improvement:

- Notice to the public
- Complaints
- Training
- Reasonable accommodation requests
- Language access services
- Public involvement meetings
- Disadvantaged Business Enterprises



The results of the desk audits and performance improvement recommendations for the next year are reported in the Annual Title VI/Nondiscrimination Workplan Update and Accomplishment Report.

**Process Review:** On an annual basis, each Program Area identified below will focus on a segment of its process and will conduct a process review. This review, called the WisDOT Title VI Program Review, will consist of three sections.

1. *An Issues and Complaints section*, will record 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.
2. The second section of this report will contain an audit of a pre-selected Title VI area with results for the previous year.
3. The third section of the report will detail interactions between the Title VI Office and the Program Area and any actions taken.
4. The Program Area Review will also detail statistics on public outreach, complaints, ADA Accessibility, Environmental Justice issues, LEP issues, and interactions with consultants, contractors, and DBEs.
5. Results of these annual reviews will be reported in the Annual Workplan Update and Accomplishment Report.

#### **D. Expectations and Findings**

Regardless of their work area, all WisDOT administrators, bureau directors, section chiefs, supervisors, and other leadership personnel are to:

- Maintain current knowledge of and adhere to the WisDOT Title VI/Nondiscrimination Implementation Plan and Program.
- Understand requirements of prohibited practices and areas of consideration for priorities as they relate to their respective programs and activities.
- Ensure and promote compliance with Title VI requirements in their respective program areas.
- Review and revise program documents and contracts to ensure that they contain appropriate Title VI/Nondiscrimination language and clauses.
- Work closely with the WisDOT Title VI Office when technical guidance is needed to ensure correct, effective, and efficient implementation of the WisDOT Title VI/Nondiscrimination Implementation Plan.
- Conduct active monitoring of their programs and activities to identify potential issues and opportunities for improvement.
- Assure prompt reporting, processing, and disposition of Title VI issues or complaints in their respective program areas.
- Conduct Title VI Program Area Reviews dealing with complaints, issues and their disposition. Also identify pre-selected Title VI areas for audits and finally provide detailed statistics on such matters as public outreach, LEP, ADA, and EJ.
- Provide data, information, and reports as requested by the Title VI Office, to include but not limited to the results of their annual process review and any trends or patterns identified through data collection and data analysis that is separate from the process review. This information will be required to be submitted to the Title VI Office each year.

Regardless of their work area, all WisDOT staff, consulting contractor personnel, local government personnel, and other WisDOT partners and stakeholders need to also comply with the above requirements as needed to ensure effective implementation of the WisDOT Title VI/ Nondiscrimination Implementation Plan as relating to their work area and program.

## PROGRAM AREA DESCRIPTIONS

### Planning

WisDOT Planning and Policy initiatives which are mainly housed in the Division of Transportation Investment Management and the Division of Transportation System Development. DTSD Planning and Programming Section works in cooperation with the Division of Transportation Investment Management, federal, tribal, state, regional and local agencies, to develop and maintain an integrated, comprehensive and multimodal planning and programming process for safe, efficient, cost-effective and high-quality transportation services. WisDOT's Planning Program Area is responsible for:

- An Advisory Group made up of state agencies, local government representatives, shippers, freight haulers, business leaders, tribal representatives, and others has been formed to make recommendations to the WisDOT Bureau of Planning Economic Development (BPED) Director for plan components. The BPED Director ultimately recommends the plan to the Governor for final approval.
- Access management: Land divisions, corridor management and state highway connections
- Data analysis and management: Traffic counts, forecasting and trends
- Highway systems management: State and federal highway systems, state highway changes and jurisdictional transfers
- Multimodal planning: Bicycle and pedestrian, transit, travel assistance, freight, non-highway and economic development
- Partners and resources in planning: Federal, tribal, state, regional, local and other stakeholders
- Programming: Program development, state highway programs, project scoping, program reports and maps, local program and program change management
- Studies: Highway studies, study maps and environmental program resources
- Other activities include mapping and cartography, highway-rail grade crossings, rail freight assistance programs, roadway data gathering (traffic counts and inventories), traffic operations, pavement management.

### Title VI Responsibilities in the Planning Program Area

- a) Monitor the utilization of demographic information that identifies populations and evaluate the equitable distribution of the benefits/burdens of the transportation plans and activities, as well as transportation system investments, on these populations
- b) Collect and review information regarding project prioritization procedures for MPOs, RPCs and projects in rural areas
- c) Reviewing Title VI data searching for possible trends of discrimination in planning;
- d) The process or strategies used to ensure Title VI issues are addressed in the planning process. This includes written procedures as well as implementation of those procedures, specifically examining the following:
- e) Review the process in which projects are selected to ensure that project selection does not subject any populations to disparate, adverse effects based on race, color, or national origin
- f) annually reviews planning activities to ensure nondiscrimination.
- g) Ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- h) Review Certifications of MPO Planning Process for compliance with NEPA, WEPA, and Title VI; ensure MPOs are current with nondiscrimination submissions.
- i) Ensure that contractors or consultants used to conduct/support public involvement via project-specific Public Information Meetings (PIMs) are implementing Title VI principles.

- j) The WisDOT TMA Certification Process also addresses Title VI/Nondiscrimination requirements. WisDOT will periodically evaluate these procedures to determine if the implementation processes are Title VI/Nondiscrimination compliant.
- k) Key Documents to review for Title VI Compliance
- WisDOT Planning Resources <http://wisconsindot.gov/Pages/projects/data-plan/plan-res/default.aspx>
  - WisDOT FDM Chapter 6 Public Involvement <https://wisconsindot.gov/rdwy/fdm/fd-06-00toc.pdf#fd6c>
  - Public Involvement Guidelines for Transportation Projects <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/tools/pub-involve/default.aspx>
  - *Connections 2030* meets the challenge of providing a quality transportation system by setting policy direction for the state trunk highway system, public transit, intercity travel, freight movement, bicycle and pedestrian travel, and funding, project scheduling and prioritization decisions.

#### **D. Environment**

WisDOT's Environmental staff consists of professionals in the central office and in each of the five transportation regions who balancing the department's environmental responsibilities with transportation program needs. 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. Specifically, the Environmental program area enhances WisDOT's public involvement activities to ensure the meaningful participation of EJ and LEP populations.

The central office environmental program staff are divided into two specialized groups: The *Environmental Services Section* and the *Environmental Process and Documents 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.

The Environmental Program Area includes a diverse group of environmental specialists who research, analyze, and monitor the effects transportation projects have on the environment. They include air, noise, hazardous materials, and water quality specialists; biologists, archaeologists, environmental engineers, and National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) experts.

They are the program area mostly responsible for enforcement of *U.S. DOT Order 5610.2(a) "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"* which applies to all policies, programs, and other activities that are undertaken, funded, or approved by the FHWA, FTA, or other U.S. DOT components

#### **Title VI Responsibilities in the Environmental Program Area**

- a) Review Public Involvement Program to ensure genuine, continuous and extensive outreach to all communities impacted by the project to avoid adverse, disparate impacts to Title VI protected classes;
- b) Review and revise the Environmental Chapter of the FDM that describes how the WisDOT complies with environmental and public involvement requirements in project development.
- c) Sample public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
- d) Ensure community involvement and participation is considered in the design of projects for all affected populations;

- e) Collect data and information regarding the demographics of public hearing participation, including comparisons to the relevant population for each project;
- f) Count and record:
  - the number of public hearings/informational meetings held, the meeting location, and the representative participation based on the affected populations within the project area
  - The number and types of environmental reviews
- g) Ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization and mitigation of disproportionately high or adverse impact.
- h) Summarize EA or EIS where any populations were disproportionately impacted by race, color, or national origin and any mitigating measures taken as a result.
- i) Monitor procedures for the identification of SEE impacts using existing forms and procedures including the Environmental Evaluation Checklist, including potential impacts on minority populations.
- j) Key documents to review:
  - WisDOT FDM Chapter 6 Public Involvement
  - WisDOT FDM Chapter 20 Environmental Documents, Reports and Permits
  - WisDOT Guidance on Indirect and Cumulative Effects of Transportation Projects

## **E. Construction & Design Program Areas**

Project development is responsible for all project work once the Concept Definition Report has been approved through project close out, housing the program areas of Design and Construction. The goal of these program areas is to provide the resources necessary to ensure the quality of construction projects by improving decisions made in the field, making information available for training and to maintain statewide consistency. They review the constructability of project plans, establish contract completion dates and perform field reviews of Federal-aid projects. This bureau also reviews and approves contractor estimates, provides technical support and assists region offices with the resolution of contract disputes and arbitrations. Bidding contractors must be pre-qualified to bid on WisDOT projects. Bidding requirements and conditions are outlined in Section 102 of the Standard Specifications. Contracts are awarded to pre-qualified contractors with the lowest bid and consultants who meet qualification-based selection standards. Contracts are awarded non-discriminatorily and based on a review of the numbers according to Section 103 of the Standard Specifications.

Project Development is responsible for the delivery of the State Highway and Bridge Improvement Program, Local Improvement Program including bridges using both in-house and outsourced resources and development and maintenance of the standards, policies and guidance associated with contract work. The following subject areas contain the processes and procedures to carry out these functions.

Design: Highway and structure design from preliminary design through Plans Specification and Estimate (PS&E) submittal. For details on design policy and procedures refer to the Facilities Development Manual (FDM).

Bid letting: The bid letting process for let contracts includes: Plans Specifications & Estimates (PS&E) submittal, creating proposals, advertising, approving bidders, issuing addenda, public letting, bid analysis, award and contract execution.

Each region is responsible for letting razing and removing contracts. Bureau of Project Development (BPD) ensure proposals are complete; advertises proposals; process contract documents and tracks contract documents. And creating and processing non-let contracts.

Construction: Construction contract administration from execution through final payment. Includes structure maintenance functions. For details on contract administration procedures refer to the Construction and Materials Manual (CMM).

Structures: The Bureau of Structures is responsible for the design, maintenance assistance and oversight, repair, and management of all the bridges in the state of Wisconsin. In addition, staff aid with bridge construction problems as well as oversight for the fabrication of structural steel members.

Access management: provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. The practice of access management extends the concept of access design and location control to all highways—not just controlled-access highways or freeways.

Consultant services: is responsible for the registration, solicitation, and selection of professional service firms that compete for the work to support the development of Wisconsin's transportation system

## **Title VI Responsibilities in the Design & Construction Program Areas**

- a) Monitor prime and subcontracting to ensure disadvantaged businesses have opportunities to receive Department work;
- b) Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures
- c) Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public, e.g. work zone safety, measures to reduce noise and air impacts, erosion control measures;
- d) Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases;
- e) Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions;
- f) Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions;
- g) Collect and forward data supporting possible trends of discrimination;
- h) Ensure adequacy and consistency of the process; Provide documentation illustrating Nondiscrimination in the approval of material suppliers and sources;
- i) Examining uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification; and,
- j) Key documents to review:
  - WisDOT FDM Chapter 11 Design
  - WisDOT Roadway Design Files
  - WisDOT Construction and Materials Manual (CMM)
  - WisDOT Standard Specifications for Highway and Structure Construction
  - WisDOT Construction Bid Letting Advertisements, posting through award

## **F. Right-of-Way/Real Estate**

The Bureau of Technical Services houses the right of way and real estate program areas. After the design of an improvement project has been completed or has reached a stage where no major revisions are contemplated, a right-of-way plat may be prepared by the regional Project Development or Technical Services section or consultant in close cooperation with the regional Real Estate section. Right-of-way plats are prepared in accordance with Wisconsin Statutes and federal standards. Here at WisDOT, the Technical Services Bureau provides the in Acquisition, Local Public Agency (LPA) information, Outdoor advertising and Outdoor advertising relocation agreement, Plats, Real Estate public info (Highway projects and your property), Surplus lands as well as the services described below which more directly relate to Title VI

**The Right-of-Way** (ROW) program area has the responsibility of assuring that all Right-of-Way functions and the results of those activities are executed in accordance with Title VI. This program area ensures the equitable treatment of business and persons displaced by highway projects, regardless of race, color, or natural origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended.

**Property Valuation Process** (includes Appraisal and Review Appraisal processes), including providing opportunity for the property owner to accompany the appraiser during property inspection. Before the initiation of negotiations, the real property to be acquired shall be appraised and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property. State law requires that the owner be given the right to accompany the appraiser on an inspection of the property. The appraiser must make all reasonable attempts to contact the owner, including sending a certified letter if necessary. Appraisals performed for Federal and Federally-assisted real property acquisition must follow the requirements in REPM, which conform to the *"Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-assisted Programs,"* 49 CFR Part 24.

**Appraisal and Bona Fide Negotiations:** Includes the written offers, consideration of counteroffers, etc. An appraiser cannot act as the negotiator on a parcel that they have appraised unless the approved offering price is \$10,000 or less. In these low-value situations, the appraiser may, at the discretion of the regional Real Estate Management, become the negotiator for that parcel acquisition. Under the nominal process, when an owner has the option to waive their right to an appraisal, the agent may turn the negotiation call into an appraisal inspection, if necessary. Consultant negotiators can appraise only if they are state licensed/certified appraisers. Otherwise, the dual roles of negotiator and appraiser are not allowed. See 49 CFR Part 24.103(d)(2). Agents who intentionally make false statements to property owners or fail to provide them with information required under Wis. Stat. § 32.26(6), may be fined not less than \$50 nor more than \$1,000 or imprisoned for not more than one year in the county jail or both, Wis. Stat. § 32.29.

**Relocation Process:** Includes the development of Relocation Housing Payments, Mortgage Differential Payments, and Appeals Process. WisDOT ensures that:

**Property Management Process:** Defines how the department prioritizes the physical maintenance of residential structures still occupied by the former owners. When consistent with the immediate, on-demand availability for highway uses, real estate acquired for highway purposes shall be placed under a temporary rental agreement. Such agreements allow continued use of such lands by the former owners or tenants pending intended use for highway purposes. Rental agreements shall be executed in all cases where continued occupancy by the owner or tenant is contemplated.

**Title VI Responsibilities in the Real Estate and Right of Way program areas are to ensure the following:**

- a) Ensure that all displaced persons are treated fairly, consistently, and equitably under laws of the United States and State of Wisconsin.
- b) Ensure and evaluate policy and practice so that persons will not suffer disproportionate injuries as a result of projects designed for benefit of the public.
- c) Ensure that when granting 'Authorization to proceed' with any phase of a project, which may cause relocation of any displaced person or to proceed with any construction project concerning right-of-way acquired by WisDOT will not be given until there has been a specific plan submitted to provide orderly, timely and efficient relocation of displaced persons as provided, and has had such plan approved by the Department of Commerce. Authority to approve acquisition stage plans may be

delegated to relocation assistance facilitators in the WisDOT Bureau of Technical Services, Real Estate Section by the Department of Commerce.

- d) Ensure that No person lawfully occupying real property will be required to move from acquired dwelling, business or farm operation without at least ninety (90) days written notice from WisDOT.
- e) Document that No person to be displaced shall be required to move permanently from his or her dwelling unless at least one comparable replacement dwelling as defined by this chapter has been made available. A comparable replacement dwelling will be considered to have been made available to a person when a person:
  - Has sufficient time to negotiate and enter into a purchase agreement or lease for a property.
  - Is assured of receiving relocation assistance and acquisition compensation, subject to reasonable safeguards, to which entitled.
  - Is informed of its location.
- f) Key Documents to review:
  - WisDOT FDM Chapter 12 Right-of-Way Plat Development
  - WisDOT Real Estate Program Manual (REPM)



## **SUBRECIPIENT REVIEW PROCEDURES**

### **A. Overview**

WisDOT maintains responsibility for ensuring that subrecipients such as MPOs, RPCs, and LPAs receiving Federal funds from WisDOT, are compliant with Title VI/Nondiscrimination requirements. Pursuant to this responsibility, WisDOT has an extensive and comprehensive oversight program.

The Title VI Office employs a risk-based model to determine how and when to review subrecipients. Various criteria are used: dollar amount of projects, physical impacts of projects, or previously assessed risk of intentional or unintentional discrimination in any subrecipient programs or activities.

### **B. External Monitoring Program**

The following Program Areas play a vital role in the monitoring of local government agencies: Planning, Environment, Design, Construction, Contract Administration, and Local Programs. A document drafted for the purposes of collecting data titled the “Program Area Report” is used to capture any trends or patterns identified through ongoing efforts. Collectively the Title VI Office, through a combination of reviewing local government reports and by conducting these reviews ascertains Title VI/ Nondiscrimination compliance. This Program Area Report will describe any issues and identify any corrective actions being taken to address the issues.

WisDOT’s subrecipients consist of thirty-seven WisDOT/FHWA subrecipients, including thirteen MPOs, nine RPCs and the fifteen LPAs representing the twelve largest metropolitan areas in Wisconsin, are surveyed annually and selected for review based on risk.

- 1) We will conduct desk audits on 25 subrecipients and rotate on-site reviews of at least 1 subrecipient per year.
- 2) The conduct of an on-site review will be predicated on Risk based Assessment:
- 3) Knowledge of a Title VI Complaint against the subrecipient; documented concerns from FHWA or WisDOT staff regarding the subrecipient; no response to the Title VI survey, or USDOT funding that exceeds \$2 million.

### **C. Review Procedures**

WisDOT annually performs the following review:

- a) Perform a desk audit of at least 25 selected MPO, RPC, or LPA for compliance
- b) Track signature and submission of WisDOT/FHWA Subrecipient Title VI/ Nondiscrimination Agreement and Assurances by all thirty-seven subrecipients each Federal fiscal year.
  - Ensure that annual Title VI Subrecipient Survey submissions include the signatures of responsible authorities and demonstrate compliance with Title VI obligations.
  - Ensure that each subrecipient appoints a Title VI Coordinator.
- c) Ensure that subrecipients implement the Title VI/Nondiscrimination related process detail how the subrecipient maintains compliance with Title VI/Nondiscrimination requirements. Processes must be in writing and posted on their website in the form of a Title VI/Nondiscrimination Plan either developed independently by the subrecipient or from the WisDOT's Title VI/Nondiscrimination Implementation Plan.

WisDOT implements a program to ensure effective oversight and follow-up with subrecipients based on the analysis and reporting on instances of discrimination or noncompliance. The goal of such reporting will be to eliminate intentional or unintentional discrimination in all subrecipient programs and activities by:

- Following up with how to improve and resolve all possible areas where intentional or unintentional discrimination has or may occur.

Following up on when and how issues of discrimination or noncompliance have been resolved

### **Interagency Coordination for Review of Subrecipient Title VI Compliance**

WisDOT will coordinate with its Division of Transportation Investment Management which houses the Planning program area to review MPOs with transportation planning activities. Collaboratively, Planning and Civil Rights Staff will provide advice to MPOs on Title VI Program issues. We will oversee the Metropolitan Planning Organizations by monitoring, as follows:

- Reviewing the Unified Planning Work Program (UPWP) approval, administration, and oversight;
- Evaluating the Transportation Improvement Program (TIP);
- By providing general assistance and or any guidance;
- Ensuring Title VI Program compliance; and
- Evaluate the outreach efforts employed by the MPO during the planning period
- Assisting with MPO Federal/State reviews.
- The Planning Division, the Office of Civil Rights, the Title VI Coordinator, and the Title VI Liaisons will monitor the MPO's overall strategies and goals of the transportation planning process to ensure Title VI Program compliance using Title VI review criteria to decide the level of review required.
- One of the review functions will be to compare the demographics of attendees at planning meetings, and then perform an analysis of available documents to determine if the planning process includes underserved and underutilized populations, those with Limited English proficiency.

## **DATA COLLECTION AND ANALYSIS**

WisDOT is required by federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs.

Title VI staff works cooperatively with program area staff to collect and analyzing data consistent with Title VI. Data collection efforts specific to each program area are described on an annual basis in the Title VI Accomplishment Report. The following is a brief description of data collection efforts conducted by [DOT]:

**Right of Way:** ensures that demographic information is collected voluntarily and inform impacted person of the reasons for collecting the demographic data.

**Environmental Planning:** collects and analyzes U.S. Census and other data during the environmental review process as a part of the environmental Justice analysis tied to forecast populations expected to be impacted by WisDOT projects.

**Planning Program Area** analyze demographic maps as part of their process. The maps typically include median income levels per county, racial/ethnic makeup at the U.S. Census tract level, and trends regarding transportation equity.

**Language Assistance:** WisDOT sends out an annual report form to headquarters right of way, environmental planning, requesting data about occurrences when WisDOT staff has provided translation or interpretation services to members of the public.

### **Data Collection**

Any Federal program area or subrecipient that is responsible for collecting data on race, color, and national origin is asked to submit data to the Title VI office. The Office of Civil Rights will work individually with each program area to develop Program Area.

## **TITLE VI/NONDISCRIMINATION TRAINING**

### **A. Overview**

WisDOT has always had a vibrant Title VI/Nondiscrimination Training Program which is available to department employees and management. The following courses are currently being promoted and scheduled in our training catalogue.

### **B. Employee Title VI Training**

The Title VI Office, Title VI Advisory Committee and the Bureau of Human Resource Services Training Section have developed a basic Title VI/Nondiscrimination Training Module for all employees entitled “*Title VI: Knowing Your Role.*”

The module explains the parameters of Title VI and related statutes, and their role in ensuring nondiscrimination in WisDOT programs, activities, and services. After completing the module, employees will be able to:

- Identify the four areas that Title VI addresses: Nondiscrimination, American with Disabilities Act, Limited English Proficiency, and Environmental Justice.
- Recognize which groups are protected by Title VI and related statutes.
- Recognize when a Title VI violation may occur.
- Demonstrate appropriate actions if a Title VI violation does occur.

All new WisDOT employees including staff, supervisory, and management positions are required to complete the training as part of the New Employee Orientation Program.

### **C. Subrecipient Title VI Training**

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.

## **TITLE VI/NONDISCRIMINATION COMPLAINT PROCEDURES**

### **A. Overview**

Title VI Complaints (race, color, or national origin) filed against WisDOT are investigated by the FHWA Headquarters Office of Civil Rights. Title VI Complaints may be filed by an individual, group of persons, or another agency on behalf of an individual or group of persons. All Title VI complaints will be forwarded to the FHWA WI-Division Office, Civil Rights Program Manager, who will then forward them to the FHWA Headquarters Office of Civil Rights for processing and investigation.

Title VI Complaints (race, color, or national origin) filed against WisDOT subrecipients – MPOs, RPCs, and LPAs, may be investigated by the Title VI Office or the FHWA Headquarters Office of Civil Rights.

Complaints alleging disability, age or sex discrimination are investigated by the Title VI Office.

### **B. Informal Title VI/Nondiscrimination Complaint Procedure**

- Title VI/Nondiscrimination complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint. Such informal attempts and their results are summarized by the Program Area official or program area manager or designee and forwarded to the Senior Title VI and ADA Coordinator.
- The Senior Title VI and ADA Coordinator may use informal means to resolve issues at the lowest level possible in the interest of standard conflict resolution measures. These could range from conversations with the parties to resolve a misunderstanding to a discussion regarding a genuine policy requirement that may be unknown to a customer.
- The Senior Title VI and ADA Coordinator periodically informs the FHWA WI-Division Office of the status of all complaints.
- When a complaint has been directly filed with another federal or state agency, the Senior Title VI and ADA Coordinator is to be informed by the agency where the complaint has been filed and is to coordinate any action needed by the department to resolve the complaint.

### **C. Formal Title VI/Nondiscrimination Complaint Procedure**

WisDOT's Title VI/Nondiscrimination Complaint Policy, as outlined in TAM DIV 102 "*Title VI/Nondiscrimination Complaint Intake Procedure*" <http://dotnet/tam/tam-toc.htm#div> ensures that no person or group of persons shall, on the grounds of race, color, national origin, sex, age, disability, low-income or limited English proficiency (LEP), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity administered by the department, its recipients, subrecipients, or contractors.

Any person or group of persons who believe they have been aggrieved by an unlawful discriminatory practice in violation of under Title VI/Nondiscrimination may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with Senior Title VI and ADA Coordinator. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the department's programs, activities or services for it to be considered and processed as an allegation of a discriminatory practice.

The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. The department's "*Title VI and ADA Complaint Form*" can be accessed at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/filingcomplaint.aspx>.

Upon receipt of the complaint, the Senior Title VI and ADA Coordinator immediately advises the OBOEC Director of the complaint. The OBOEC Director confers with the appropriate WisDOT Program Area Manager and the Senior Title VI and ADA Coordinator to determine a course of action. Choices may include but are not limited to:

- Complaints filed against the department are referred to the FHWA WI-Division Office for processing.
- Complaints filed against department recipients and subrecipients (e.g. contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed and resolved by WisDOT as detailed in the specific TAM procedures.
- The Senior Title VI and ADA Coordinator and OBOEC Director review and determine the appropriate action regarding every complaint. The department will not proceed with or continue a complaint investigation if, for example, the complaint on its face, is without merit or the same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.

Normally, the complainant receives a letter from the Senior Title VI and ADA Coordinator detailing the findings, conclusions, and any corrective action taken. All issues in the complaint are addressed.

The OBOEC Director forwards the final report to the FHWA WI-Division Office. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition and date of the disposition, and any other pertinent information.

If the complaint cannot be resolved by the department to the satisfaction of all parties concerned, the party may file a complaint with the Office of the Secretary, U.S. Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Ave, SE, Washington, DC 20590. <https://www.transportation.gov/civil-rights>. The complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Office of the Secretary. An individual party, parties or group may file a complaint with the U.S. Department of Transportation, regardless of whether the individual party, parties or group has previously filed a complaint with WisDOT (49 CFR Part 21).

## **DISSEMINATION OF TITLE VI/NONDISCRIMINATION INFORMATION**

### **A. Overview**

The WisDOT website contains the Title VI and ADA webpages which provide program updates, complaint processes, policy and other related information, a copy of the Title VI and ADA Compliance Notice in English and Spanish, a copy of Title VI/Nondiscrimination Implementation Plan and Assurances, a copy of the Title VI/Nondiscrimination Annual Workplan Update and Accomplishment Report, and contact information for the Senior Title VI and ADA Coordinator, and the Title VI Program Coordinator. Anyone may visit the website 24 hours and 7 days a week at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

### **B. Notice of Title VI and ADA Compliance**

Notice of Title VI and ADA Compliance is posted on the WisDOT website and on public bulletin boards in all WisDOT facilities. The notice includes the name and contact information for the Senior Title VI and ADA Coordinator. The notice is provided in both English and Spanish at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

### **C. Title VI/Nondiscrimination Complaint Procedure**

The WisDOT Title VI/Nondiscrimination complaint form and policy is posted online on the Title VI and ADA webpages at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/filingcomplaint.aspx>. Complaints may be submitted online, by mail, phone or fax to:

Taqwanya Smith, Senior Title VI and ADA Coordinator  
Office of Business Opportunity and Equity Compliance  
WI Department of Transportation  
4822 Madison Yards Way, 5<sup>th</sup> Floor South  
Madison, WI 53705  
PH: (608) 266-8129  
TTY: (800) 947-3529  
[Taqwanya.smith@dot.wi.gov](mailto:Taqwanya.smith@dot.wi.gov)  
<http://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>

### **D. Title VI/Nondiscrimination Implementation Plan and Assurances**

The Title VI/Nondiscrimination Implementation Plan and Assurances is published annually on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

### **E. Title VI/Nondiscrimination Annual Workplan Update and Accomplishment Report**

The Title VI/Nondiscrimination Annual Workplan Update and Accomplishment Report is published annually on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

### **F. Title VI Training**

The Basic Title VI Training Module is available online to all employees through the WisDOT LearnCenter [https://wisconsindot.csod.com/LMS/catalog/Welcome.aspx?tab\\_page\\_id=-67&tab\\_id=-1](https://wisconsindot.csod.com/LMS/catalog/Welcome.aspx?tab_page_id=-67&tab_id=-1).



## **REVIEW OF STATE TRANSPORTATION AGENCY (STA) DIRECTIVES**

### **A. Overview**

The FHWA Headquarters Office of Civil Rights stated the following during its webinar on March 12, 2019 “Title VI: Writing Effective Implementation Plans”:

Review of STA Directives

- SHA [State Highway Agency] must describe process of reviewing directives for potential Title VI implications. SHA must also describe process for reconciling issues if directives have Title VI implications.
  - E.g. SHA Civil Rights Office determines directive requires changes to comply with Title VI. Recommendation sent to department head for source of material. SHA leadership codifies changes.

### **B. WisDOT Transportation Administrative Manual (TAM)**

The Transportation Administrative Manual (TAM) contains the official directives on the internal operation and management of WisDOT. The TAM is the official WisDOT manual for organizational mission statements, administrative directives, and department procedures. The policies and procedures within the TAM apply to all WisDOT program areas, management, staff, contract staff and consultants who are employed by WisDOT.

### **C. Creation and Revision of TAM documents**

Creation and revision of TAM documents are the responsibility of the originating division. All TAM documents will be published by the TAM Manual Coordinator, Division of Business Management (DBM), Administrator’s Office.

### **D. TAM Review Council**

The TAM Review Council meets bi-monthly to review new or revised TAM submissions, when warranted. The TAM Review Council is comprised of representatives from each division, the Office of General Counsel, and the Office of Management and Budget. The DBM Deputy Administrator, serves as the Lead.

### **E. Review of TAM Submissions**

The TAM Review Council Lead will determine if a TAM submission will need additional review by the Council. Not all TAM submissions receive the Council’s review. Examples of that submissions that do not require review by the Council include revisions that do not impact the content or policy, or updates to web links. In these and similar circumstances, the TAM will be revised, approved by the TAM Review Council Lead, and forwarded to the DBM Web Administrator for an upload request to the WisDOT internal website.

When it is determined a TAM will require review by the TAM Review Council, the TAM will be placed on the next scheduled TAM Review Council Meeting agenda.

### **F. Proposal to meet FHWA requirement**

- 1) The Title VI Office will coordinate with the TAM Review Council Lead and TAM Manual Coordinator to review TAM submissions for possible Title VI implications. If the Title VI Office determines that changes are needed to comply with Title VI, the OBOEC Director will meet with the TAM Review Council Lead to reconcile issues and make recommendations for changes. Once the changes have been incorporated

into the TAM, the TAM Manual Coordinator will send a copy of the revised TAM to the Title VI Office confirming that the changes have been codified.

- 2) Title VI office will periodically review the FDM <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/fdm.aspx> as it is the single most consulted source for construction, design, project development, project implementation and all related protocols for the entire state concerning highway matters. Title VI/Nondiscrimination requirements for Environmental Justice and Limited English Proficiency (LEP) are contained in the FDM in reference pages for each.

**B. Environmental Justice**

- FDM Chapter 6 addresses Regulations, Laws, Executive Order 12898.
- FDM Chapter 20 includes Federal Environmental Justice Policy
- FDM Chapter 21 covers Environmental action categories, functional matrices, Factor sheets, EIS, Affected environment, environmental consequences, Relocation impacts, Environmental Justice.
- FDM Chapter 25 includes discussion of Title VI/Nondiscrimination and socio-economic impact; EJ language-preservation, Relocation impacts & Relocation indicators, Use of the community profile; Mitigation, Planning, Design and Access control and Financial measures.

**C. Limited English Proficiency (LEP)**

- FDM 3- Public Involvement. Operational Planning Meetings. Project Scoping
- FDM 6-10 - Hearing Notices/Newspaper Displays, Notice regarding Public Hearing request & participation, Techniques for Public Involvement Best Practices (Environmental Justice/Public Participation). - Activities Designed to Effectively Involve Citizens, (6-1-1.2) Goals and Objectives.

## **TITLE VI COMPLIANCE AND ENFORCEMENT PROCEDURES**

Voluntary compliance is our preferred course of action for Title VI implementation. Effective implementation of Title VI policies and procedures begins with knowledge of the regulations, takes the right amount of collaboration, and the right methods to measure understanding and implementation. We strive to resolve all matters at the lowest level possible, then escalate and notify accordingly.

Both, Program Areas and Subrecipients are expected to correct all deficiencies according to their corrective action plan and provide periodic updates to the Title VI/ADA Coordinator who conducted the review. The Title VI/ADA Coordinator will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the corrective measures.

The noncompliant entity will receive notification when the review process is complete and no further progress reporting is needed. The Title VI/ADA Coordinator or Title VI Subrecipient Coordinator will make the compliance sufficiency determination and send an official closeout letter.

### **Corrective Action**

Title VI staff will prepare a Compliance Review report and corresponding corrective action plan to document and track remedial efforts and subsequent compliance.

We endeavor to build on existing data collection tools and resources for data collection and compliance measurement help ensure that practices are permeated in our culture.

### ***Compliance and Enforcement for Internal Program Areas***

If an internal program area refuses to correct its plans policy or activities to become compliant with Title VI; the refusal will be reported first to Division level and secondly the Secretary's office explaining the risk associated with noncompliance. FHWA-WI Division office will be copied on all corrective action plans that are not resolved voluntarily.

### ***Compliance and Enforcement for Subrecipients***

Likewise, if a subrecipients fails or refuses to comply with Title VI corrective actions, FHWA-WI Division will be notified immediately in writing outlining the timeline and actions taken to achieve compliance.

WisDOT will await written recommendation from FHWA-WI Division to pursue proceeding with sanctions including sanctions and withdrawal of funding.

### ***Potential sanctions in cases of persistent refusal and noncompliance***

- Cancellation, termination, or suspension of the contract or agreement
- Send notice of future funding eligibility under the program with respect to which the failure or refusal; clearly describe that no funding or benefits will be extended until satisfactory assurance of future compliance is submitted by the entity.
- Refer the entity to the appropriate federal agency for appropriate administrative or legal proceedings including suspension and debarment

## LIMITED ENGLISH PROFICIENCY

### A. Overview

Executive Order 13166, *"Improving Access to Services for Persons with Limited English Proficiency,"* challenges federal agencies to "implement a system by which limited English-proficient (LEP) persons can meaningfully access... services consistent with, and without unduly burdening, the fundamental mission of the agency. " When read in its entirety and interpreted consistently with Title VI of the Civil Rights Act of 1964, the Executive Order applies to all programs and activities of a federal agency and recipients of Federal funds.

Limited English Proficiency (LEP) persons are defined as "individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English." LEP individuals are entitled to language assistance with respect to a service, benefit, or encounter. The Executive Order (EO) requires federal agencies that provide Federal financial assistance to develop guidance to clarify those obligations for recipients of such assistance ("recipient guidance"). WisDOT is such a recipient and follows guidance from FHWA regarding its LEP obligations.

#### Program Areas

Within WisDOT, both the Division of Motor Vehicles (DMV) and the Division of State Patrol (DSP) have their own policies and procedures regarding resources for LEP assistance and treatment of LEP individuals.

The WisDOT website, including forms and Word documents, are available for translation to all languages offered through Google Translate. The top seven languages used by LEP individuals in Wisconsin have direct links to a disclaimer page and then on to the WisDOT website language translation of their choice.

### D. Language Access Plan and Four-Factor Analysis

Under FHWA guidance, WisDOT is directed to determine the extent of its obligation to provide LEP services through a flexible and fact-dependent analysis of four factors called a Four-Factor Analysis. The four factors are:

- The number or proportion of LEP persons serviced or encountered in the eligible service population.
- The frequency with which LEP individuals come into contact with the program.
- The nature and importance of the program, activity, or service provided by the program.
- The resources available to the recipient and cost.

The Four-Factor Analysis is done by WisDOT on several levels. A Four-Factor Analysis was completed for WisDOT overall 9 months ago; demographic LEP data is available for each county. The previously referenced internal program areas perform four factor analyses and collect data and information necessary to complete the Four-Factor Analysis in each of those areas.

### E. Policies and Procedures

- Ensure that subrecipients and appropriate local program partners have an LEP Plan, and that their plan, and this Title VI/Nondiscrimination Implementation Plan are being implemented in accordance with regulations (including complaint procedures).
- Use a multidisciplinary approach, monitor and evaluate WisDOT and subrecipients' efforts to prevent, resolve or mitigate issues/situations that could lead to LEP violations.
- FHWA has mandated that "recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge." WisDOT provides many options for individuals who require these services. Those include:

- Multi-language flashcards or "point to your language" sheets used to identify a customer's language.
- Maintenance and use of the "*WisDOT Interpreters List*" at <http://dotnet/frontdoor/foreignlanguage.htm> to meet interpretation needs.
- Use of contracted services for deaf/hard of hearing.
- DMV Call Centers and Customer Service Centers staffed with bilingual customer service representatives in English and Spanish.
- The DMV Milwaukee Central Customer Service Center in which all the customer service representatives are bilingual in English and Spanish.
- Updated translations of the DMV Automated Knowledge Test <https://wisconsindot.gov/Pages/dmv/teen-driver/teen-hw-apply/knowledge.aspx> into eight different languages: English, Spanish, Hmong, Chinese, Polish, Russian, Serbo-Croatian, and Somali.
- Title VI policies posted in English and Spanish in all public WisDOT facilities and on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

## ATTACHMENT 1

### STANDARD TITLE VI ASSURANCES SIGNED BY WISDOT SECRETARY

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

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

#### DOT Order No. 1050.2A

The Wisconsin Department of Transportation (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 the 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 et 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);

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.

#### 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 Federal-Aid Highway 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 the Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Wisconsin 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, 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 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.

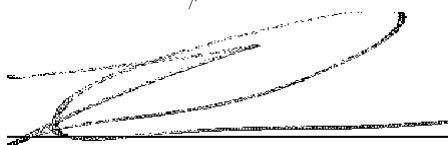


By signing this ASSURANCE, the Wisconsin Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, 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 Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, 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 Wisconsin 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 U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on the State of Wisconsin Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Wisconsin Department of Transportation**

*(Name of Recipient)*

A handwritten signature in black ink, appearing to read "Craig Thompson", is written over a horizontal line.

by Craig Thompson

Secretary, Wisconsin Department of Transportation

(Signature of Authorized Official)

***Date: 9/27/2019***

## 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. **Nondiscrimination:** 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.
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.
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 Wisconsin Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance under governing Federal legislative authority, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by 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, Nondiscrimination 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 2000d4), does hereby remise, release, quitclaim and convey unto the Wisconsin Department of Transportation (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 the Wisconsin 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 Wisconsin Department of Transportation, its successors and assigns.

The Wisconsin 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, 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 Wisconsin 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, 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, 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 nondiscrimination 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 Wisconsin 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 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, the Wisconsin 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 Wisconsin 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 Wisconsin 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 make clear the purpose of Title VI.)

## **APPENDIX D**

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Wisconsin 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, 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, (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, or national origin, 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 Nondiscrimination covenants, the Wisconsin 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, the premises will there upon revert to and vest in and become the absolute property of the Wisconsin 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 make clear 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:

### **Pertinent Non-Discrimination 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); and 49 CFR Part 21.
- 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, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR 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, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- 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 Transportation regulations at 49 CFR 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 nondiscrimination 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 2: 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?



## Attachment 3 - WisDOT Title VI/Nondiscrimination Complaint Intake Procedure

<http://dotnet/tam/tam-toc.htm>



### TRANSPORTATION ADMINISTRATIVE MANUAL

**Directive:** DIV 102  
**Subject:** Title VI/Nondiscrimination Complaint Intake Procedure  
**Issued:** 05/20/16  
**Supersedes:** 10/24/14, 03/29/13  
**Originator:** Office of Business Opportunity and Equity Compliance (OBOEC)

\*\*\*\*\*

#### Purpose

As a recipient of federal funds through the U.S. Department of Transportation, the Wisconsin Department of Transportation (WisDOT) has been delegated the responsibility for investigating external complaints of discrimination, by the Federal Highway Administration (FHWA), Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Transit Administration (FTA), and the National Highway Traffic Safety Administration. This policy was established to clarify the processes through which complaints of discrimination are submitted, evaluated and resolved.

#### Scope

This policy applies to all divisions of WisDOT, their customers, WisDOT program sub-recipients and all persons receiving services from WisDOT.

#### Policy Statement

It is the policy of the Wisconsin Department of Transportation ("WisDOT") to ensure full compliance with Title VI of the Civil Rights Act of 1964 ("Title VI"), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.) and related statements and regulations in all programs and activities. All such provisions require that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income or limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (see 42 U.S.C. § 2000d).

#### Policy Requirements

##### Submission of Complaints

The complaint procedures outlined are intended for all divisions of WisDOT, their customers, WisDOT program sub-recipients, and all persons receiving services from WisDOT. The complaint procedures outlined in this document also cover individuals who are protected under Section 504 of the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990. These procedures supersede any previous procedures that may be in conflict with them.

WisDOT receives federal funding for many of its programs, and so Title VI applies to all WisDOT services. Any person who believes that, in the course of business with a WisDOT program or service, he or she or any specific class of persons or business entity has been subject to discrimination or retaliation prohibited by any of the

federal or state Civil Rights statutes or common law principles, based upon race, color, national origin, sex, age, disability, low-income or limited English proficiency (LEP) may file a complaint.

The complaint may be filed by the affected individuals or a representative and should be filed in writing using [Form DT 2507 "Title VI Complaint Form"](#) when possible. Complaints should be submitted to the WisDOT Title VI Analyst via mail, email or fax.

### Processing of Complaints

It is in the interests of all parties involved that issues raised in a complaint of discrimination be resolved informally if possible. At each stage of the process, the Title VI Program Officer will make reasonable efforts to pursue a resolution of the complaint through mediation, arbitration, Alternative Dispute Resolution and informal negotiations.

Any complaint beyond the magnitude of informal resolution and coordination will be passed directly to FHWA or FTA.

Under the Wisconsin Open Records Law and the Federal Freedom of Information Act, it may be necessary to release the investigative report, related correspondence and records upon request. In the event that WisDOT receives such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

### **Contact**

WisDOT Title VI Program Officer  
Office of Business Opportunity and Equity Compliance  
(608) 266-8129

### **Definitions**

#### *Discrimination*

Any action or inaction, whether intentional or unintentional in any program or activity of a Federal-aid recipient, sub-recipient, contractor, firm or individual which results in disparate (unfavorable) treatment, disparate impact, or perpetuates the effect of prior discrimination based on race, color, national origin, sex, age, disability, low-income or limited English proficiency (LEP) or for the purpose of the complaint procedures listed in this document, in the case of disability, failure to make a reasonable accommodation.

### **Procedures**

Complaints shall be submitted in written form and signed by the person(s) or representative and include the complainant's name, address and telephone number. Complainants should use [Form DT 2507 "Title VI Complaint Form"](#), which should be submitted to the WisDOT Title VI Program Officer. Allegations of discrimination received by fax or e-mail will be acknowledged and processed.

A complaint must be filed no later than 180 days after the following:

- the date of the alleged act of discrimination; or
- the date when the person(s) became aware of the alleged discrimination; or
- the latest instance of prohibited conduct in cases involving a continuing violation.

Acceptance of a complaint will be determined by: 1) whether the complaint is timely filed; 2) whether the allegations involve a covered basis such as race, color, national origin, sex, age, disability, low-income or limited English proficiency (LEP), or retaliation; and 3) whether the allegations involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.

If the initial complaint does not meet the threshold for discrimination, the complaint can be refused by the Title VI Program Officer. If the complaint is refused by the Title VI Program Officer, the complainant has the option to go to FHWA or FTA for appeal.

## **Responsibilities & Role**

Any representative in charge of a program or a supervisor or manager of WisDOT can receive a complaint on behalf of the Department. Once one of these individuals accepts a complaint, it is his/her responsibility to forward the complaint to the WisDOT Title VI Program Officer.

### Office of Business Opportunity and Equity Compliance Responsibilities and Role

The organizational location of the Title VI Program is in the Office of Business Opportunity and Equity Compliance of the Division of Transportation System Development. The Director of the Office of Business Opportunity and Equity Compliance and the Title VI Program Officer have overall responsibility for the implementation of the Title VI Program and investigating complaints of discrimination by individuals protected under Section 504 of the Federal Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990.

## **Cross References**

Title VI of the Civil Rights Act of 1964

Section 504 of the Federal Rehabilitation Act of 1973

Title II of the Americans with Disabilities Act of 1990

Federal-Aid Highway Act of 1973

Age Discrimination Act of 1975

23 C.F.R. Part 200 FHWA's Title VI/Nondiscrimination Regulation

Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"

FHWA's "Federal Highway Administration External Complaint Processing Procedures"

[DIV 101, Equal Employment Opportunity and Affirmative Action Directive](#)

## **Forms and Instructions**

[Form DT 2507 "Title VI Complaint Form"](#)

**END OF DOCUMENT**