

FFY 2021

WISCONSIN DEPARTMENT OF TRANSPORTATION

TITLE VI/NONDISCRIMINATION

GOALS AND ACCOMPLISHMENTS REPORT



Office of Business Opportunity & Equity Compliance
December 1, 2021

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I. WISDOT STATEMENT OF NONDISCRIMINATION

A. WisDOT Title VI Commitment

The Wisconsin Department of Transportation (WisDOT) is committed to providing compliance with Title VI of the Civil Rights Act of 1964 so that, no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WisDOT receives federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration.

B. WisDOT Title VI Policy

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

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

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

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

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

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

II. TITLE VI OFFICE STAFFING AND ORGANIZATION

A. OBOEC Director

Lea Collins-Worachek is the Director of the Office of Business Opportunity and Equity Compliance (OBOEC) and oversees the Title VI Section. The OBOEC Director is also the chair of the Title VI Managing Committee.

B. Senior Title VI/ADA Coordinator

Taqwanya Smith is the Senior Title VI/ADA Coordinator and is responsible for monitoring internal program areas, processing complaints, conducting training, and staffing the Title VI Managing Committee.

C. Title VI Staff General Duties

Title VI/ADA Coordinator meets regularly with the OBOEC Director to administer the Title VI Program. Issues covered in these meetings are the Title VI Implementation Plan, Title VI Goals and Accomplishments Report, Title VI training, complaint processing, FHWA Subrecipient Title VI Assurances and Implementation Plan Agreement, and Title VI Managing Committee. The OBOEC Director shares these issues with the DTSD Deputy Administrator for the Bureaus and brings them to the WisDOT Board of Directors, as necessary.

Annually, the Title VI Section is responsible for submitting the Title VI Implementation Plan and Title VI Goals and Accomplishments Report to the FHWA Wisconsin-Division Office.

III. TITLE VI MANAGING COMMITTEE

A. Purpose

The purpose of the Title VI Managing Committee is to provide an interdisciplinary approach to fulfilling Title VI/Nondiscrimination requirements for the overall agency. The Managing Committee is currently made up of the following members:

B. Membership

<i>Voting Members</i>	
Lea Collins-Worachek, Chair	Office of Business Opportunity & Equity Compliance
Carolyn Amegashie	Division of Transportation System Development
Mary Forlenza	Federal Highway Administration
Dan Graff	Office of General Counsel
Major Cedric Rembert	Division of State Patrol
Rodney Saunders, Jr.	Division of Budget and Strategic Initiatives
Becky Soderholm	Division of Transportation Investment Management
Steven Staud	Federal Highway Administration
Marcia Traska	Division of Motor Vehicles
Charles Wade	Division of Transportation Investment Management
Vacant	Division of Business Management
<i>Committee Staff</i>	
Taqwanya Smith	Senior Title VI/ADA Coordinator

C. FFY 2021 Accomplishments

- Developed the 2021-23 Workplan which includes: committee purpose, structure, policies, goals, and responsibilities; review and update schedule; 2018-20 accomplishments; and action items for 2021-23.
- Drafted a one-pager of the new FHWA Title VI Review Procedures for program areas.
- Developed language for collection of demographic data and personally identifiable information (PII) notice for program areas.
- Conducted a committee orientation for the new DBSI representative.

D. FFY 2022 Goals

- Conduct a committee orientation for the new DSP representative.
- Add a representative from DBM.
- Complete workplan action items: quarterly articles for the employee bulletin and update the Title VI online training module.

IV. PROGRAM AREA REVIEWS

Beginning in FFY 2022, WisDOT will focus on risk mitigation through data-driven, empirical reviews. Risk mitigation through data-driven, empirical reviews means that programs, projects, policies, actions, and activities will be reviewed for potential disparate impact upon Title VI populations (race, color, and national origin).

A. Federal Program Areas

Program Area	WisDOT Office
Construction	DTSD Regions - Project Development Section
Contract Administration	Audit and Contract Administration Section
Design	DTSD Regions - Project Development Section
Environment	Environment Process & Documentation Section and Environmental Services Section
Local Programs	Local Programs and Finance Section
Maintenance	Program Management & Roadside Facilities Section
Planning	Planning Section
Research	Performance, Policy, and Research Section
Right-of-Way	Acquisition & Services Section and Appraisal/Relocation/Property Management Section
Safety	Traffic Engineering and Safety Section

B. Federal Program Area Title VI Liaisons

Program Area	Liaisons
Construction	Project Development Section Supervisors and Chiefs
Contract Administration	Scott Thornton
Design	Project Development Section Supervisors and Chiefs
Environment	Jay Waldschmidt and Alyssa Barrette
Local Programs	Merrill Mechler-Hickson
Maintenance	Chris Ohm
Planning	Alex Gramovot
Research	June Coleman
Right-of-Way	Greg Gasper and Norman Pawelczyk
Safety	Bill McNary

C. New Title VI Review Procedures

The Office of Business Opportunity and Equity Compliance (OBOEC), Title VI Section, is required to review WisDOT programs, projects, policies, actions, and activities for potential disparate impact upon Title VI populations (race, color, and national origin). Disparate impact occurs when a recipient of federal funds from FHWA (WisDOT) adopts a procedure or engages in a practice that has a disproportionate or adverse impact on individuals who are distinguishable based on their race, color, or national origin — even if the recipient did not intend to discriminate. The OBOEC, Title VI Section will conduct a disparate impact analysis (demographics + benefits or burdens) of programs, projects, policies, actions, and activities to mitigate risk of potential disparate impacts upon affected populations.

Where a potential disparate impact is found, other less discriminatory alternatives must be explored. WisDOT will utilize the FHWA Title VI Review Plan template in conducting reviews. *See Appendix A – FHWA Title VI Review Plan Template.*

D. Collection of Demographic Data

Program Areas such as Planning, Environment, Right-of-Way, Design, Construction, Finance, and Professional Services Contracts are required to develop procedures for the collection of demographic data (race, color, and national origin) of participants in and beneficiaries of WisDOT programs.

E. Review Schedule

The OBOEC, Title VI Section will set a review schedule each federal fiscal year (October 1 – September 30). The subject(s) of review will be determined based upon several factors: public impact, complaints, amount of Federal funding received, controversial or high-profile projects, and date of last review.

F. FFY 2021 Accomplishments

1. FHWA Implementation Plan Assistance

The OBOEC Director and Title VI Coordinator participated in an initial FHWA Implementation Plan Assistance meeting with the FHWA-WI Division Office (DO) and FHWA Headquarters Office of Civil Rights (HCR) on February 22. The purpose of FHWA's Implementation Plan Assistance was to have State DOTs' Title VI Implementation Plans be more consistent and data-driven, and for periodic reporting to Congress.

The OBOEC Director and Title VI Coordinator participated in the first follow-up meeting on March 29. The Title VI Coordinator revised the Title VI Implementation Plan based on HCR and DO comments and recommendations. The second and final follow-up meeting was scheduled for May 26.

The review process was paused for the remainder of FFY 2021 on June 30, 2021. FHWA provided guidance by memorandum, that the review process is paused and that State DOTs currently in the review process, such as WisDOT, should submit their plans for approval by the regular October 1 due date. WisDOT submitted its Title VI Implementation Plan to FHWA on September 30.

2. FHWA/NHI Civil Rights Training: Risk Mitigation through Title VI Reviews

The Title VI Coordinator attended the FHWA/National Highway Institute "Civil Rights Training: Risk Mitigation through Title VI Reviews" pilot course introductory webinar on January 14. This is an intermediate level course that focuses on reviews and mitigating risks, collecting and analyzing data, and conducting reviews of projects and programs. The course contains 6 modules for a total of 8-10 hours.

The Title VI Coordinator attended the orientation webinar on March 17, completed the online course modules, and participated in the instructor-led web conference training on April 7-9.

3. Develop Procedures for the Collection of Demographic Data

The Title VI Coordinator met with the WisDOT Office of General Counsel (OGC) on May 19 to develop language for the collection of demographic data and personally identifiable information (PII) notice for program areas.

The OBOEC Director and Title VI Coordinator met with the Environment, Right-of-Way, and Planning program areas, DMV, and OGC on August 3 to introduce the new FHWA Title VI review procedures, review plan template, and challenges to implementation.

The Title VI Coordinator and WisDOT Research and Library Services Unit developed a survey on August 12 for State DOTs regarding their Title VI demographic data collection methods. The Title VI Coordinator sent the results of the survey to the Environment, Right-of-Way, and Planning program areas, DMV and OGC on September 8.

G. FFY 2022 Goals

- Meet with the Environment, Right-of-Way, and Planning program areas, DMV, and OGC to discuss the results of the State DOT demographic data collection survey.
- Program Areas develop procedures on the collection of demographic data for Title VI reviews.
- Conduct a pilot review of 1 Program Area.

V. SUBRECIPIENT REVIEWS

Beginning in FFY 2022, WisDOT will focus on risk mitigation through data-driven, empirical reviews. Risk mitigation through data-driven, empirical reviews means that subrecipient programs, projects, policies, actions, and activities will be reviewed for potential disparate impact upon Title VI populations (race, color, and national origin).

WisDOT monitors 14 metropolitan planning organizations (MPOs) that share responsibility for transportation planning in 17 metropolitan areas, 190 cities, 72 counties, and 11 Indian tribes that have the potential to become a Subrecipient. Transit grantees are monitored by the Transit Title VI Program in the Division of Transportation Investment Management.

A. Metropolitan Planning Organizations/Regional Planning Commissions (MPO/RPCs)

<i>Subrecipient</i>	<i>Title VI Liaisons</i>
1. Bay-Lake RPC (Sheboygan MPO)	Jeffrey Agee-Aguayo
2. Brown County Planning Commission (Green Bay MPO)	Cole Runge
3. Capital Area RPC	Steve Steinhoff
4. Chippewa-Eau Claire MPO	Eric Anderson
5. East Central Wisconsin RPC (Appleton & Oshkosh MPOs)	Melissa Kraemer Badtke
6. Fond du Lac MPO	Melissa Kraemer Badtke
7. Janesville MPO	Alexander Brown
8. La Crosse Area Planning Committee (La Crosse MPO)	Peter Fletcher
9. Greater Madison MPO	William Schaefer
10. Marathon County Metropolitan Planning Commission (Wausau MPO)	Dave Mack
11. Mississippi River RPC	Bob Gollnik
12. North Central Wisconsin RPC	Darryl Landeau
13. Northwest RPC	Sheldon Johnson
14. Southeastern Wisconsin RPC	Elizabeth Larsen
15. Southwestern Wisconsin RPC	Troy Maggied
16. State Line Area Transportation Study (Beloit MPO)	T.J. Nee
17. West Central Wisconsin RPC	Eric Anderson

B. New Title VI Review Procedures

The Office of Business Opportunity and Equity Compliance (OBOEC), Title VI Section, is required to review subrecipient programs, projects, policies, actions, and activities for potential disparate impact upon Title VI populations (race, color, and national origin). Disparate impact occurs when a recipient of federal funds from FHWA (through WisDOT) adopts a procedure or engages in a practice that has a disproportionate or adverse impact on individuals who are distinguishable based on their race, color, or national origin — even if the recipient did not intend to discriminate. The OBOEC, Title VI Section will conduct a disparate impact analysis (demographics + benefits or burdens) of subrecipient programs, projects, policies, actions, and activities to mitigate risk of potential disparate impacts upon affected populations. Where a potential disparate impact is found, other less discriminatory alternatives must be explored. WisDOT will utilize the FHWA Title VI Review Plan template in conducting reviews. See *Appendix A – FHWA Title VI Review Plan Template*.

C. Schedule of Reviews

Beginning in FFY 2022, WisDOT will set a review schedule each federal fiscal year (October 1 – September 30). Determination of which subrecipients will be reviewed is based upon several factors: complaints, amount of Federal funding received, controversial or high-profile projects, and date of last review.

D. FFY 2021 Accomplishments

1. USDOT Order 1050.2A Standard Title VI/Non-Discrimination Assurances

The MPO/RPC Executive Directors signed the *USDOT Order 1050.2A Standard Title VI/Non-Discrimination Assurances* for FFY 2022.

2. FHWA Subrecipient Title VI Implementation Plan Agreement

The MPO/RPC Executive Directors and OBOEC Director signed the FHWA Subrecipient Title VI Implementation Plan Agreement for FFY 2022. Copies of the signed Agreement were sent to the MPO/RPCs to retain for their records.

3. MPO/RPC Directors Meetings

The new OBOEC Director was introduced at the October 27 MPO/RPC Directors meeting. The Title VI Coordinator did a presentation on the Title VI Assurances, Title VI requirements for subrecipients, and Title VI Goals and Accomplishments Report at the October 27 meeting.

The Title VI Coordinator attended the April 27 MPO/RPC Directors meeting. Agenda items included an FHWA update, WisDOT long-range plan update, and WisDOT rail plan update.

4. MN/WI Bi-State MPO/RPC (Virtual) Fall Conference/Workshop

The Title VI Coordinator attended the Minnesota/Wisconsin Bi-State MPO/RPC Fall Conference on September 21-23. The Title VI Coordinator participated as a panelist in the Equity Panel Discussion on September 21. Points of discussion included: How do each of your agencies(s) define equity; What are the responsibilities of MPOs/RPCs in integrating equity into plans and planning processes; What alternative data sources (other than Census) are available for MPOs/RPCs to use to when performing analysis; and How do we go beyond Title VI, LEP, etc. to address equity?

E. FFY 2022 Goals

- Introduce the new FHWA Title VI review procedures for planning organizations at the fall MPO/RPC Directors meeting.
- Meet with the Local Transportation Programs and Finance Section Chief to introduce the new FHWA Title VI review procedures for local public agencies.
- Conduct a pilot review of 1 MPO/RPC and 1 Local Public Agency.

VI. TRAINING

A. Title VI Staff

Title VI staff completed the following trainings in FFY 2021.

- TRB Annual Meeting “Advancing Transportation Equity” session on January 25, 2021.
- TRB Annual Meeting “The Influence of Discrimination and Civil Rights Laws on Shaping our Transportation Systems” session on January 28, 2021.
- FHWA/NHI Civil Rights Training “Risk Mitigation through Title VI Reviews” pilot course on March 17 - April 9, 2021.
- FHWA VPI “Engaging Traditionally Underserved Communities Using VPI” webinar on May 4, 2021.
- Southern Transportation Civil Rights Executive Council Virtual Training Symposium on May 4-5, 2021.

B. Title VI Liaisons

Title VI Managing Committee members received the following trainings in FFY 2021.

- Southern Transportation Civil Rights Executive Council Virtual Training Symposium on May 4-5, 2021.
- One new committee member completed the “Title VI: Knowing Your Role” online module.
- One new committee member completed the FHWA “Federal-aid Essentials for Local Public Agencies” training.

C. Department Employees

A total of 100 WisDOT employees completed the “Title VI: Knowing Your Role” training in FFY 2021.

This introductory online module explains the parameters of Title VI and the employee role in ensuring nondiscrimination in WisDOT programs and activities. All WisDOT employees including staff, supervisors, and managers complete the module as part of the New Employee Orientation Program.

D. Department Supervisors and Managers

A total of 1 WisDOT supervisor/manager completed the “Title VI: Knowing Your Role” training in FFY 2021.

This introductory online module explains the parameters of Title VI and the employee role in ensuring nondiscrimination in WisDOT programs and activities. All WisDOT employees including staff, supervisors, and managers complete the module as part of the New Employee Orientation Program.

E. Subrecipients

Metropolitan Planning Organizations and Regional Planning Commissions received the following trainings in FFY 2021.

- Presentation on the Title VI Assurances, Title VI requirements for subrecipients, and Title VI Goals and Accomplishments Report on October 27, 2020.

- Equity Panel Discussion on September 21, 2021. Points of discussion included: How do each of your agencies(s) define equity; What are the responsibilities of MPOs and RPCs in integrating equity into plans and planning processes; What alternative data sources (other than Census) are available for MPOs/RPCs to use to when performing analysis; and How do we go beyond Title VI, LEP, etc. to address equity?

VII. TITLE VI COMPLAINTS

A. Complaints

The Title VI Office received 7 complaints in FFY 2021. The bases for complaints are shown below. Some complaints contained more than one basis.

- Disability - 3
- National Origin - 2
- Age - 2
- Race - 1
- Color - 1
- Sex - 1

B. Technical Assistance

The Title VI Office received 12 requests for technical assistance in FFY 2021. The bases for requests are shown below.

- Title VI - 8
- ADA - 4

C. Status of complaints

The status of the complaints received in FFY 2021 is listed below. Two complaints were forwarded to the National Highway Traffic Safety Administration (NHTSA) Office of Civil Rights for processing. Two complaints were referred to the Federal Aviation Administration (FAA) and Federal Transit Administration (FTA) Office of Civil Rights respectively.

- Referred to NHTSA – 2
- Referred to FAA – 1
- Referred to FTA – 1
- Time limit exceeded for filing – 1
- Withdrawn – 1
- Declined to pursue - 1

The complaints log is available any time for inspection.

VIII. NATIVE AMERICAN INITIATIVES

A. Overview

WisDOT's Office of Tribal Affairs works with Wisconsin's eleven federally recognized tribes to provide training, funding opportunities, and resources to the tribes on transportation and transportation-related issues. Several partnerships, liaison activities, programs, committees, and special initiatives are executed by the Office of Tribal Affairs. The Inter-Tribal Task Force (ITTF) was created through a WisDOT Tribal Partnership Agreement, signed by all Tribes, WisDOT, Federal Highway Administration (FHWA), and the Bureau of Indian Affairs (BIA). ITTF consists of representatives from each Tribe, WisDOT, FHWA and BIA. ITTF serves as an affirmation of the Government-to-Government relationship between the State of Wisconsin and the Tribal Governments within the state to address transportation needs within tribal communities.

Other organizations facilitated through intergovernmental agreements are the Tribal Historic Preservation Project, facilitated by the Oneida Nation and the Tribal Labor Advisory Committee (TLAC) facilitated by the Sokaogon Chippewa Community. The Tribal Historic Preservation Project is designed to strengthen tribal participation in WisDOT programming and projects with a focus on historic preservation and environmental issues. TLAC focuses on enhancing transportation labor opportunities for Native Americans in Wisconsin.

Finally, the Office of Tribal Affairs hosted the annual WisDOT Tribal Affairs Transportation Conference as a virtual event on October 26th and 27th, 2021. This was the first time the conference was held using a web-based platform, but it was well received by those who attended. This is but a sampling of the broad spectrum of activities in this area. WisDOT has sustained its Tribal Affairs program structure with two statewide program/project managers and five regional tribal liaisons to serve as primary points of contact for program, policy, and project-related issues. Regional tribal liaisons work to support enhanced communication and coordination with Tribal government partners.

B. National Summer Transportation Institute

For the last 20 years, WisDOT has worked in partnership with the College of the Menominee Nation and the Lac Courte Oreilles Ojibwa Community College to offer the National Summer Transportation Institute (NSTI). NSTI is a summer youth enrichment program designed to introduce middle and high school students, from disadvantaged or at-risk populations, to careers in the transportation industry with an emphasis on science, technology, engineering, and math. FHWA places special emphasis on offering this program in partnership with Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges.

In 2020, WisDOT received \$90,000 in grant funding from FHWA to provide the NSTI program to both tribal colleges. Those funds were evenly distributed to both colleges at \$45,000 each, with WisDOT supplementing those funds with an additional \$30,000 for a total of \$75,000 per project. The accomplishments of the 2020 program included: the delivery of virtual and outdoor classroom and hands-on activities; presentations by transportation professionals; field trips that focused on all modes of transportation including land, air, and water; and the production of public service announcements conceptualized, written, directed, and edited by student participants. Covid-19 restrictions and protocols were adapted to continue running the program.

IX. CORRECTIVE ACTION PLANS

A. Program Area Reviews

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

B. Reviews Conducted

Action Step	Timeline	Participants	Results
Review preceding FFY results	Q1 (Oct 1 – Dec 31)	Title VI Section	
Prepare corrective action plans if necessary	Q1 (Oct 1 – Dec 31)	Title VI Section	
Provide corrective action plans to program areas/subrecipients	Q2 (Jan 1 – Mar 31)	Title VI Section	
Identify program areas and subrecipients for reviews	Q2 (Jan 1 – Mar 31)	Title VI Section & OBOEC Director	

C. Upcoming Reviews

Action Step	Timeline	Participants	Results
Request and review documents	Q3 (Apr 1 – Jun 30)	Title VI Section	
Conduct desk audits	Q3 (Apr 1 – Jun 30)	Title VI Section & Program Areas/ Subrecipients	
Conduct onsite reviews	Q4 (Jul 1 – Sep 30)	Title VI Section & Program Areas/ Subrecipients	
Write results of reviews	Q4 (Jul 1 – Sep 30)	Title VI Section	

APPENDIX

Appendix A: FHWA Title VI Review Plan Template

Title VI Review Plan

Purpose of the Review:

Scope of Review

- Study period length (e.g. 12 months of actions)
- Topics / actions / laws / regulations covered
- Geographic area

Expected Results:

Team Members:	Title, Office	Member Roles:	Time Commitment:

Review Resources:

Dollars	\$0
Advisor/Expertise Available	TBD
Equipment	

Data and Information Collection

- Internal / External
- Demographic data and impact data

Data Needed	Source & Format of Data	Method to Collect

Data Analysis

- How will you support your results?
- Does the data lend itself toward statistical or practical significance testing?
- What methods will you use?

Review Schedule

Activity	People/Contacts	Dates