

FFY 2022

WISCONSIN DEPARTMENT OF TRANSPORTATION
TITLE VI
IMPLEMENTATION PLAN WITH ASSURANCES



Office of Business Opportunity & Equity Compliance
October 1, 2021

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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) is 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/Nondiscrimination Program Implementation Plan. Please contact the Office of Business Opportunity and Equity Compliance Director:

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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 WisDOT's Secretary is attached.

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: The WisDOT IDEA

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| Integrity | Building trust and confidence in all our relationships through honesty, commitment and the courage to do what is right. |
| Diversity | Creating an environment that's inclusive all people and opinions, and which cultivates opportunities to bring varied perspectives to our work and decision-making. |
| Excellence | Providing quality products and services that exceed our customers' expectations by being professional and the best in all we do. |
| Accountability | Being individually and collectively responsible for the impact of our actions on resources, the people we serve, and each other. |

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 Title VI Program 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, Title VI Program Coordinator, Title VI Subrecipient Coordinator.

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

The Title VI Program 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:

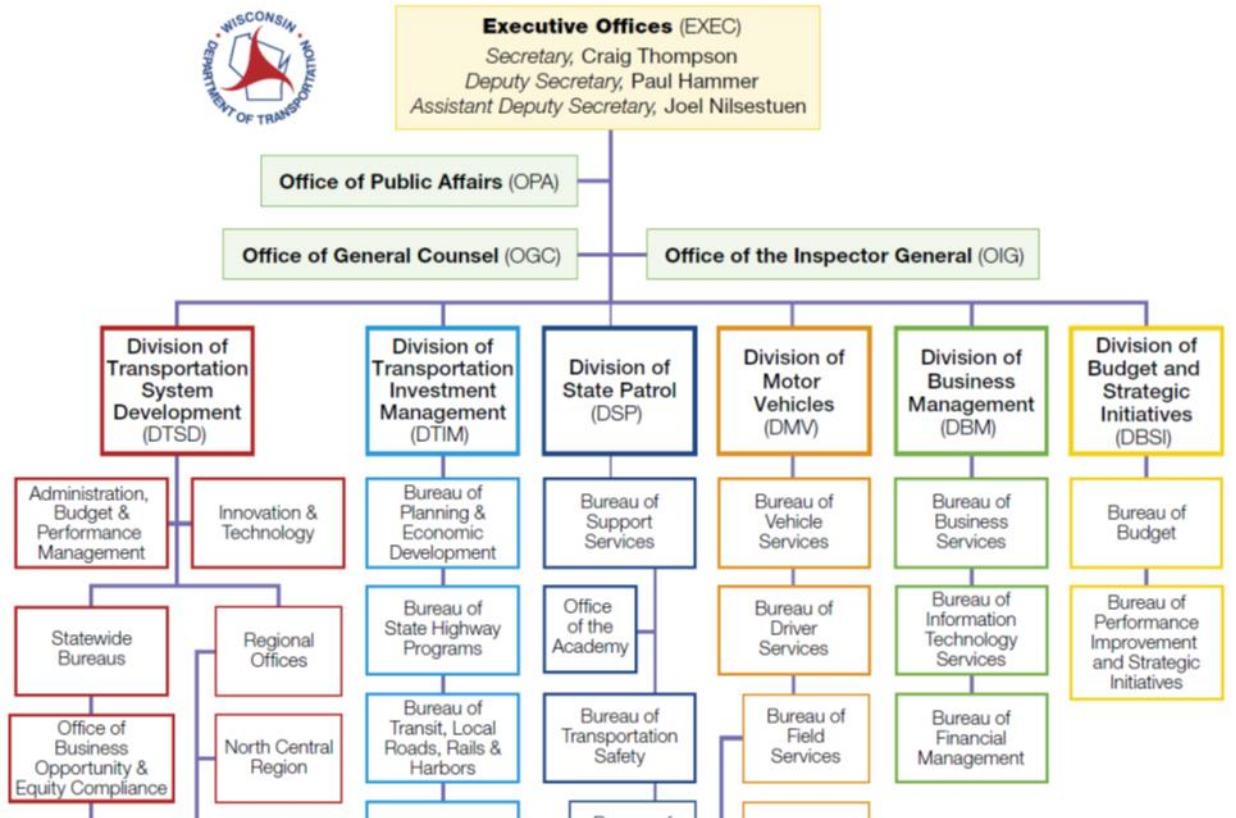
1. Title VI Program Coordinator

- Develop and coordinate the implementation of the WisDOT Title VI/Nondiscrimination Program.
- Log and process complaints.
- Coordinate the Title VI/Nondiscrimination Program with program area managers or designees.
- 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.
- Assist work units in reviewing their procedures, guides, program directives, manuals, and other documents to determine whether appropriate Title VI/Nondiscrimination clauses.
- Prepare annual reports of Title VI accomplishments and goals for past and next year.
- Resolve any deficiencies which may be discovered in the WisDOT Title VI/Nondiscrimination Program.
- Collect statistical data from internal program areas necessary to evaluate the effectiveness of compliance with Title VI/Nondiscrimination requirements of any recipient of WisDOT.
- Monitor WisDOT procedures and programs for compliance with Title VI/Nondiscrimination requirements in all program areas.
- Establish procedures for resolving Title VI/Nondiscrimination issues.
- Coordinate Title VI Implementation Team meetings for Region Liaisons.
- Conduct annual reviews of selected program areas to determine the effectiveness of program area activities.
- Create and conduct Title VI Training & programs including the monthly training newsletter.
- Provide technical assistance and advice on Title VI/Nondiscrimination matters to program areas.
- Participate in the identification of Title VI impacts and mitigation measures of proposed projects.

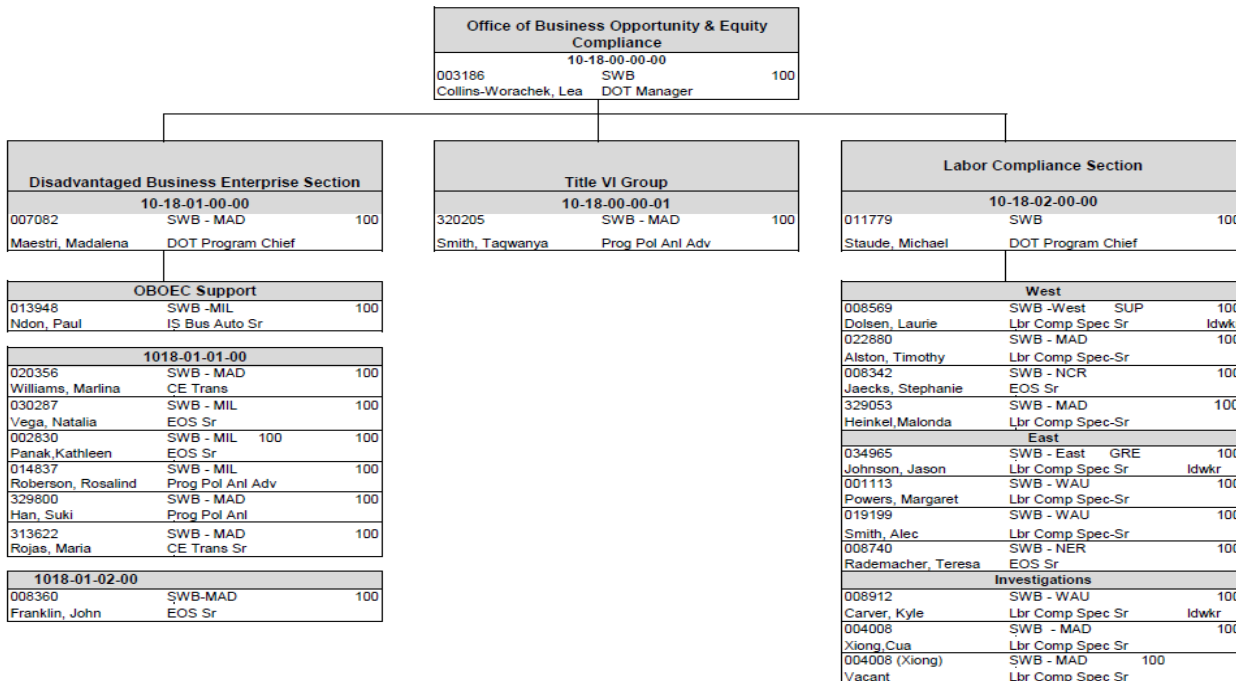
2. Title VI Subrecipient Coordinator

- Coordinate and support the implementation of the WisDOT Title VI/Nondiscrimination Program in 'non-FHWA funded' program areas.
- Provide Title VI technical assistance, guidance, and training to internal program areas excluding FHWA program areas, cities, counties, MPOs, RPCs.
- Conduct MPO and RPC reviews to ensure compliance with the provisions of Title VI and LEP requirements.
- Develop procedures for collecting statistical data on race, color, and national origin for participants and beneficiaries of the state highway program.
- 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.
- Develop procedures to conduct reviews of Metropolitan Planning Organizations (MPOs) and Planning District Commissions (PDCs) to ensure compliance with the provisions of Title VI and LEP requirements.
- 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.
- Review environmental documents to identify and address social, economic and environmental effects and impacts.
- Assist Title VI Program 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.
- Collaborate with and/or assist Title VI Specialist in conducting reviews.
- Coordinate agency Title VI Implementation Committee Team meetings.
- Prepare annual reports of Title VI accomplishments and goals for past and next year.
- Research Title VI/Nondiscrimination training to coordinate a training referral system for internal and external partners.

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 AREA REVIEW PROCEDURES

I. Purpose of Reviews

As a recipient of Federal financial assistance from the Federal Highway Administration (FHWA), WisDOT is required to conduct Title VI reviews of programs, projects, policies, actions, and activities for potential disparate impacts. Disparate impact (or adverse impact) occurs under Title VI when a recipient of federal funds from FHWA adopts a procedure or engages in a practice that has a disproportionate, adverse impact on individuals who are distinguishable based on their race, color, or national origin— even if the recipient did not intend to discriminate. WisDOT will conduct data-driven, empirical reviews of its programs, projects, policies, actions, and activities to mitigate risk of potential disparate impacts upon affected populations based upon race, color or national origin.

II. Collection of Demographic Data

WisDOT is required by the Federal Highway Administration to develop procedures for the collection of demographic data (race, color, and national origin) of participants in and beneficiaries of WisDOT programs, projects, policies, actions, and activities. WisDOT will collect demographic data (race, color, and national origin) on relocatees, public involvement meeting attendees, and other participants and beneficiaries of its programs and activities.

III. Schedule of Reviews

WisDOT sets a review schedule each federal fiscal year (October 1 – September 30). Determination of which program, project, policy, action or activity will be reviewed is based upon several factors: public impact, complaints, amount of Federal funding received, controversial or high-profile projects, and date of last review.

IV. Review Procedure

WisDOT utilizes the FHWA Title VI Review Plan template in conducting reviews. The following review procedure was developed based upon the FHWA Title VI Review Plan template and FHWA Guidance “State Title VI Implementation Plans: A collection of commendable procedures and practices.”

1. Subject of the Review – Title VI Coordinator and OBOEC Director determine the subject of the review based upon the above-stated factors.
2. Purpose of the Review – State the purpose of the review.
3. Scope of the Review – Plainly define the parameters of the review so that what is being reviewed is clear. Include study period length, study area, applicable laws, and any other parameters necessary to illustrate what will be reviewed.
4. Expected Results – Describe what is anticipated as the outcome of the review.
5. Team Members Involved – Include a realistic and complete list of the team members (WisDOT staff) who will need to participate in the review, as well as their roles and responsibilities.
6. Review Resources – Any additional items, such as funding, equipment, advisor/expertise that are needed in order to complete the review.
7. Data and Information Collection – Include demographic data and impact data, whether the data is internal or external, source and format of data, and method to collect the data.
8. Data Analysis – Include how results will be supported, whether the data lends itself toward statistical or practical significance testing, and what methods will be used.
9. Review Schedule
 - Notification

- Request for Information
 - Desk Audit
 - Field Audit/On-site Review
10. Report of Findings – Provide a copy of the report of findings to the OBOEC Director for review. Following the OBOEC Director’s approval, provide a copy of the report to team members for review.
 11. Finding of Noncompliance – If there is a finding of noncompliance, develop a Corrective Action Plan to overcome any deficiencies noted in the report of findings within a period not to exceed 90 days. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the WisDOT Secretary.

V. Yearly Goals and Accomplishments Report

WisDOT is required to report the findings of Title VI reviews annually to FHWA in the Title VI Goals and Accomplishments Report. Report of Findings and Corrective Action Plans (if applicable) for each review conducted within a federal fiscal year will be provided in that year’s Title VI Goals and Accomplishments Report.

Federal Program Areas

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) Review Title VI data searching for possible trends of discrimination in planning.
- d) 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.
- e) Ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- f) Review Certifications of MPO Planning Process for compliance with the National Environmental Policy Act (NEPA), Wisconsin Environmental Policy Act, (WEPA) and Title VI; ensure MPOs are current with nondiscrimination submissions.
- g) Ensure that contractors or consultants used to conduct/support public involvement via project-specific Public Information Meetings (PIMs) are implementing Title VI principles.
- h) The WisDOT Transportation Management Area (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.

- i) Key Documents to review:
 - WisDOT Planning Resources
 - WisDOT FDM Chapter 6 Public Involvement
 - Public Involvement Guidelines for Transportation Projects
 - WisDOT Long-range transportation plan

Data Collection and Analysis in the Planning Program Area:

Analyzes 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.

Environment

WisDOT's Environmental staff consists of professionals in the central office and in each of the five transportation regions who balance 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 environmental justice (minority and/or low-income) populations.

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

The Environmental Program Area is 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, Federal Transit Administration (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 Environment Analysis (EA) or Environment Impact Statement (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

Data Collection and Analysis in the Environment Program Area:

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.

Design and Construction 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. The central office 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 competent and responsible bidder 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 also 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:** 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) Ensure project information is adequately distributed to stakeholders and the public, following the Department’s public involvement procedures.
- b) 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.
- c) Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases.
- d) Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions.
- e) Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions.
- f) Collect and forward data supporting possible trends of discrimination.
- g) Ensure adequacy and consistency of the process; Provide documentation illustrating Nondiscrimination in the approval of material suppliers and sources.
- h) Examining uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification.
- i) 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
 - WisDOT Public Involvement Meeting sign-in sheet

Data Collection and Analysis in the Design and Construction Program Areas:

Collect data and information regarding the demographics of public involvement meeting attendees through meeting sign-in sheets.

Right-of-Way

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 Bureau of Technical Services provides the Acquisition, Local Public Agency (LPA) information, Plats, Real Estate public information (Highway projects and your property), Surplus lands as well as the services described below which more directly relate to Title VI.

Right-of-Way (ROW): Has the responsibility of ensuring 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 and 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 the Real Estate Program Manual (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. Appraisers 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.

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)
 - WisDOT Form RE1968 Residential Questionnaire – Individual Needs Inventory
 - WisDOT Form RE1969 Residential Questionnaire – Part II Inventory of Individual Needs

Data Collection and Analysis in the Right-of-Way Area:

Collect data and information regarding the demographics of relocatees through forms RE1968 Residential Questionnaire – Individual Needs Inventory and RE1969 Residential Questionnaire – Part II Inventory of Individual Needs.

Contract Administration

WisDOT contracts for the engineering and related services of consultants when it does not have sufficient staff available to develop transportation improvement projects within a prescribed time period or when special expertise is required but unavailable within WisDOT. Each regional office has the authority and responsibility to select the needed consultants and negotiate contracts between the Department and the selected consultant engineering firms. Once the Department selects a qualified firm, the parties negotiate the scope and cost of the work. The consultant then submits the required contract documents for approval. After contracts have been submitted, they are managed through the Contract Administration and Reporting System (CARS). CARS is an online application that the Consultant Services and Project Management section uses to manage and support consultant contracts.

Consultant Services: Includes solicitation content, selections and negotiations.

Contract Administration: Includes contract and registration forms. Contracts estimated at less than \$3,000, work orders less than \$50,000, and amendments less than \$50,000 are signed by staff in the regional offices. The WisDOT Contract Manager executes all other contracts, work orders, and amendments on behalf of the Department. Notifies the regional office or central office bureau when the contract is approved. The regional office or central office bureau then authorizes the firm to begin work.

Assurances: Appendix A and Appendix E of *U.S. DOT Order No. 1050.2A, Standard Title V/Nondiscrimination Assurances* are programmed to automatically build into the standard provisions for design engineering contracts and general provisions for construction engineering contracts. These “boilerplates” for design engineering contracts and construction engineering contracts reflect language meeting all of the appropriate state and federal laws and regulations. The boilerplates are not to be altered, and the newest version must always be used. Boilerplate language not pertaining for a particular contract or additional necessary language are deleted/added through special provisions. Boilerplates are incorporated by reference into the contract cover/signature pages. By signing and entering into a contract with the Department, the prime contractor indicates its understanding of the contract requirements. Reviews all contracts ensuring that the boilerplates are included in each contract.

Title VI Responsibilities in the Contract Administration Program Area

- a) Ensure that clauses of Appendix A and Appendix E of *U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances* are programmed to automatically build into the standard provisions for design engineering contracts.
- b) Ensure that clauses of Appendix A and Appendix E of *U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances* are programmed to automatically build into the general provisions for construction engineering contracts.
- c) Ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms.
- d) Key document to review:
 - WisDOT FDM Chapter 8 Consultant Services
 - Design Services contracts standard provisions
 - Construction Engineering contracts general provisions

Data Collection and Analysis in the Contract Administration Program Area:

Inserts clauses of Appendix A and Appendix E of *U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances* into the standard provisions for design engineering contracts and general provisions for construction engineering contracts.

SUBRECIPIENT REVIEW PROCEDURES

I. Purpose of Reviews

As a recipient of Federal financial assistance from the Federal Highway Administration, WisDOT is required to conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients that receive Federal-aid highway funds through WisDOT. Subrecipients that receive Federal financial assistance through WisDOT for the purpose of administering programs and activities include local public agencies (LPAs), metropolitan planning organizations (MPOs), regional planning commissions (RPCs), and transit grantees. WisDOT will conduct data-driven, empirical reviews of its subrecipients to mitigate risk of potential disparate impacts upon affected populations based upon race, color or national origin.

II. List of Subrecipients

WisDOT monitors 17 metropolitan planning organizations and regional planning commissions, 190 cities, 72 counties, and 11 Indian tribes that have the potential to become a Subrecipient LPA. Transit grantees are monitored by the Transit Title VI Program in the Division of Transportation Investment Management.

Metropolitan Planning Organizations & Regional Planning Commissions

- Bay-Lake RPC (Sheboygan MPO)
- Brown County Planning Commission (Green Bay MPO)
- Capital Area RPC
- Chippewa-Eau Claire MPO
- East Central Wisconsin RPC (Appleton & Oshkosh MPOs)
- Fond du Lac MPO
- Greater Madison MPO
- Janesville MPO
- La Crosse Area Planning Committee (La Crosse MPO)
- Marathon County Metropolitan Planning Commission (Wausau MPO)
- Mississippi River RPC
- North Central Wisconsin RPC
- Northwest RPC
- Southeastern Wisconsin RPC
- Southwestern Wisconsin RPC
- State Line Area Transportation Study (Beloit MPO)
- West Central Wisconsin RPC

III. Schedule of Reviews

WisDOT sets 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.

IV. Review Procedure

WisDOT utilizes the FHWA Title VI Review Plan template in conducting reviews. The following review procedure was developed based upon the FHWA Title VI Review Plan template and FHWA Guidance “State Title VI Implementation Plans: A collection of commendable procedures and practices.”

1. Subject of the Review – Title VI Coordinator and OBOEC Director determine the subject of the review based upon the above-stated factors.
2. Purpose of the Review – State the purpose of the review.
3. Scope of the Review – Plainly define the parameters of the review so that what is being reviewed is clear. Include study period length, study area, applicable laws, and any other parameters necessary to illustrate what will be reviewed.
4. Expected Results – Describe what is anticipated as the outcome of the review.
5. Team Members Involved – Include a realistic and complete list of the team members (Subrecipient staff) who will need to participate in the review, as well as their roles and responsibilities.
6. Review Resources – Any additional items, such as funding, equipment, advisor/expertise that are needed in order to complete the review.
7. Data and Information Collection – Include demographic data and impact data, whether the data is internal or external, source and format of data, and method to collect the data.
8. Data Analysis – Include how results will be supported, whether the data lends itself toward statistical or practical significance testing, and what methods will be used.
9. Review Schedule
 - Notification
 - Request for Information
 - Desk Audit
 - Field Audit/On-site Review
10. Report of Findings – Provide a copy of the report of findings to the OBOEC Director for review. Following the OBOEC Director’s approval, provide a copy of the report to team members for review.
11. Finding of Noncompliance – If there is a finding of noncompliance, develop a Corrective Action Plan to overcome any deficiencies noted in the report of findings within a period not to exceed 90 days. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the WisDOT Secretary.

V. Yearly Goals and Accomplishments Report

WisDOT is required to report the findings of Title VI reviews annually to FHWA in the Title VI Goals and Accomplishments Report. Report of Findings and Corrective Action Plans (if applicable) for each review conducted within a federal fiscal year will be provided in that year’s Title VI Goals and Accomplishments Report.

VI. 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.

TRAINING

A. Title VI Staff

Title VI staff complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program. Title VI staff complete annual FHWA training such as: Overview of FHWA Title VI Complaints, Title VI: Writing Effective Implementation Plans, Title VI Data Collection and Analysis, and FHWA Title VI Civil Rights Connect Walkthrough. Title VI staff also complete annual training as part of the Title VI Managing Committee, such as: Title VI: Nondiscrimination in the Federal-aid Program and FHWA Federal-aid Essentials for Local Public Agencies.

B. Title VI Liaisons

Title VI Managing Committee members complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program. Title VI Managing Committee members also complete annual FHWA training, such as: Title VI: Nondiscrimination in the Federal-aid Program and FHWA Federal-aid Essentials for Local Public Agencies.

C. Department Employees

All new employees are required to complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program.

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

- Recognize which groups are protected by Title VI and related nondiscrimination statutes.
- Recognize when a Title VI violation may occur.
- Demonstrate appropriate actions if a Title VI violation does occur.

The module will be updated every two years and required as a mandatory training for all WisDOT employees.

D. Department Supervisors and Managers

All new supervisors and managers are required to complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program.

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

- Recognize which groups are protected by Title VI and related nondiscrimination statutes.
- Recognize when a Title VI violation may occur.
- Demonstrate appropriate actions if a Title VI violation does occur.

E. Subrecipients

Metropolitan Planning Organizations and Regional Planning Commissions (MPOs/RPCs) complete Title VI training provided by Title VI staff at quarterly MPO/RPC Directors’ meetings and the annual WisDOT Planning Conference. Title VI staff and the Planning Section of the Bureau of Planning and Economic Development determine training topics that will be presented at the MPO/RPC Directors’ meetings based on feedback from the MPO/RPCs.

COMPLAINT PROCEDURES

A. Who can file a Title VI complaint?

Any person who believes that he or she or a specific class of persons were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a primary Recipient of Federal financial assistance (WisDOT) or Sub-recipient (e.g. a city, Metropolitan Planning Organization, Regional Planning Commission, etc.), that receives Federal financial assistance through a primary Recipient (WisDOT) may file a Title VI complaint.

B. Where can one file a complaint?

Complaints related to the Federal-aid highway program may be filed with WisDOT, the FHWA Wisconsin-Division Office, the FHWA Headquarters Office of Civil Rights, the USDOT Departmental Office of Civil Rights or the US Department of Justice.

C. When must a complaint be filed?

A complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

D. What should a complaint look like?

Complaints should be in writing and signed, and may be filed by mail, fax, in-person or email. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send the written complaint to the complainant for correction and signature. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g. race, color, national origin);
- The names of specific persons and respondents (e.g. agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that received Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

E. How are complaints routed?

Recipients, such as WisDOT and Sub-recipients (e.g. a city, Metropolitan Planning Organization, Regional Planning Commission, etc.) do not investigate complaints against themselves. FHWA Division Offices, such as the FHWA Wisconsin-Division Office, do not investigate Title VI complaints.

All Title VI complaints against WisDOT are routed to the FHWA Headquarters Office of Civil Rights for processing with the exception of complaints filed against the Division of Motor Vehicles. Complaints filed against the Division of Motor Vehicles are routed to the National Highway Traffic Safety Administration (NHTSA) Office of Civil Rights for processing. With this understanding, complaints should be routed in the following ways:

- Complaints filed with the WisDOT Title VI Office will be forwarded to the FHWA Wisconsin-Division Office. The FHWA Wisconsin-Division Office will then forward the complaint to the FHWA Headquarters Office of Civil Rights.

- Complaints filed with a program or division within WisDOT should be forwarded to the WisDOT Title VI Office. The WisDOT Title VI Office will then forward the complaint to the FHWA Wisconsin-Division Office and the FHWA Wisconsin-Division Office will forward the complaint to the FHWA Headquarters Office of Civil Rights.
- Complaints filed with a WisDOT Sub-recipient (e.g. a city, Metropolitan Planning Organization, Regional Planning Commission, etc.) should also be forwarded to the WisDOT Title VI Office. The WisDOT Title VI Office will then forward the complaint to the FHWA Wisconsin-Division Office and the FHWA Wisconsin-Division Office will forward the complaint to the FHWA Headquarters Office of Civil Rights.
- Complaints filed against the Division of Motor Vehicles will be forwarded directly by the WisDOT Title VI Office to the NHTSA Office of Civil Rights.
- The WisDOT Title VI Office and Subrecipients must log all complaints received.

The FHWA Headquarters Office of Civil Rights will decide on whether to accept, dismiss or transfer the complaint. The FHWA Headquarters Office of Civil Rights will notify the complainant, FHWA Wisconsin-Division Office, WisDOT Title VI Office, and Sub-recipient (where applicable). The FHWA Headquarters Office of Civil Rights is responsible for all decisions regarding whether a complaint should be accepted, dismissed or referred to another agency.

E. When are complaints accepted?

If a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then the FHWA Headquarters Office of Civil Rights will send to the complainant, WisDOT Title VI Office, and the FHWA Wisconsin-Division Office a written notice that it has accepted the complaint for investigation.

F. Who conducts investigations?

The FHWA Headquarters Office of Civil Rights is responsible for conducting all investigations of State DOTs and Sub-recipients. In the case of a complaint filed against a Sub-recipient (e.g. a city, Metropolitan Planning Organization, Regional Planning Commission, etc.), the FHWA Headquarters Office of Civil Rights may either conduct the investigation itself or it may delegate the investigation to the primary Recipient State DOT (WisDOT).

If the FHWA Headquarters Office of Civil Rights chooses to delegate the investigation of a Sub-recipient to WisDOT, it will communicate acceptance of the complaint to the complainant and respondent, but the WisDOT Title VI Office will conduct all data requests, interviews and analysis. The WisDOT Title VI Office will then create a Report of Investigation and send it to the FHWA Headquarters Office of Civil Rights. The FHWA Headquarters Office of Civil Rights will review the Report of Investigation and compose a Letter of Finding based on the report.

F. What are the timeframes for investigations?

For the FHWA Headquarters Office of Civil Rights, there is not regulatory timeframe for completing investigations. However, the FHWA Headquarters Office of Civil Rights strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from the FHWA Headquarters Office of Civil Rights, 23 CFR § 200.9(b)(3) provides State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

H. What are the potential outcomes of an investigation?

At any time during the investigation, either the FHWA Headquarters Office of Civil Rights or the respondent may initiate informal negotiations to resolve the issues. The FHWA Headquarters Office of Civil Rights always strives to resolve Title VI complaints informally, if possible.

In the absence of informal negotiations, the FHWA Headquarters Office of Civil Rights (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings with legal conclusions and potentially include recommendations for action. The FHWA Headquarters Office of Civil Rights is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations, and the issuance of Letter of Findings.

All Letters of Findings issued by the FHWA Headquarters Office of Civil Rights are administratively final.

I. Complaints filed directly with FHWA

Complaints can also be filed directly with the Federal Highway Administration at via email at FHWA.TitleVIcomplaints@dot.gov, online at <https://www.fhwa.dot.gov/civilrights/file/> or by US Mail at:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
202-366-0693

DISSEMINATION OF INFORMATION

A. Overview

The WisDOT website contains the Title VI webpages which provide program updates, complaint processes, policy and other related information, a copy of the Notice of Nondiscrimination in English and Spanish, a copy of Title VI Implementation Plan and Assurances, a copy of the Title VI Goals and Accomplishments Report, and contact information for 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 Nondiscrimination

Notice of Nondiscrimination 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 Title VI Program Coordinator. The notice is provided in both English and Spanish at <https://wisconsindot.gov/Documents/doing-bus/civil-rights/titlevi-ada/t6-notice-2020-english.pdf>.

C. Title VI/Nondiscrimination Complaint form

The WisDOT Title VI/Nondiscrimination complaint form is posted online on the Title VI 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, Title VI Program Coordinator
Office of Business Opportunity and Equity Compliance
WI Department of Transportation
4822 Madison Yards Way, 5th Floor South
Madison, WI 53705
PH: (608) 266-8129
taqwanya.smith@dot.wi.gov

D. Title VI Implementation Plan and Assurances

The Title VI 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 Goals and Accomplishments Report

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

F. Information in Other Languages

The top seven languages spoken by LEP persons in Wisconsin are: Spanish, Hmong, Chinese, Polish, Russian, Serbo-Croatian, and Somali. The Nondiscrimination Notice is also available in Spanish and Hmong. The WisDOT website, including forms and Word documents, are available for translation through Google Translate.

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

- 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.

- Title VI office will periodically review the FDM <https://wisconsin.gov/Pages/doing-business/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 Limited English Proficiency (LEP) are contained in the FDM in reference pages for each.

B. 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, Activities Designed to Effectively Involve Citizens, (6-1-1.2) Goals and Objectives.

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 Program Coordinator who conducted the review. The Title VI Program 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 or 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 Program 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.

B. 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.

WisDOT conducted its most recent four-factor analysis in 2018. WisDOT updates its four-factor analysis as needed. The Division of Motor Vehicles and Transit Title VI Program also conduct individual four-factor analyses for their program areas. U.S. Census Data shows there are nearly 43 different languages spoken by Wisconsin residents. After English, the largest language groups are Spanish, Hmong and Chinese.

C. Language Access Services

WisDOT provides the following language access services to LEP customers, applicants, and beneficiaries.

1. Title VI
 - Nondiscrimination Notice in English, Spanish, and Hmong posted in all public WisDOT facilities and on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>
 - WisDOT website, including forms and Word documents, available for translation through Google Translate.
 - Maintenance and use of the "WisDOT Interpreters List" to meet interpretation and translation needs.
2. Division of Motor Vehicles
 - Call Centers and Customer Service Centers staffed with bilingual customer service representatives in English and Spanish.
 - Forms available in English and Spanish.

- Class D and Signs test <https://wisconsin.gov/Pages/dmv/teen-driver/teen-how-apply/knowledge.aspx> available in ten languages: English, Burmese, Chinese, Croatian, Hmong, Polish, Russian, Serbian, Somali, and Spanish.
 - Commercial Driver's License (CDL) tests available in seven languages: English, Burmese, Croatian, Polish, Russian, Serbian, and Spanish.
 - Motorcycle test available in English and Spanish.
 - Wisconsin Motorists' Handbook, Commercial Drivers' Manual, and Motorcyclists' Handbook available in English and Spanish.
3. Division of State Patrol
- Interpreter services provided via telephone by Language Line in DSP.
 - Several ads in Spanish and utilize materials from Traffic Safety Marketing within the National Highway Transportation Safety Administration communications office.
 - Use the Office of Public Affairs to create in-house content including the use of interpreters' staff within WisDOT to proof-read and grammar check materials.
 - Radio ads for the Spanish-speaking population and TV ads: *Daredevils Dare Not; Soccer and Power of Zero: Hispanic Stories*. <https://www.youtube.com/watch?v=q9P85triKKE>
 - Stadium print materials with the *Drive Sober or Get Pulled Over* logo in Spanish.
 - "Buckle UP; Phone DOWN" in Spanish.
 - Motorcycle Safety Foundation offers curriculum materials in Spanish.
 - Basic Motorcycle Safety Foundation eCourse, required in Wisconsin for license waiver classes, is available with Spanish text and audio. <https://msf-usa.org/eCourse.aspx>
 - Safe Routes to School (Spanish Parent survey only). <https://wisconsin.gov/Documents/doing-bus/local-gov/astnce-pgms/aid/safe-routes/sur-spanish.pdf>
4. Labor Compliance
- Have I received my full wage and benefits? brochure in English and Spanish. <https://wisconsin.gov/Pages/doing-bus/civil-rights/labornwage/prevaling-wage-compliance.aspx>
5. Metropolitan Planning Organizations
- All subrecipients are required to prepare and submit a Title VI Plan to the Transit Section on a schedule determined by WisDOT. Transit Section staff review, approve and retain a copy of subrecipient Title VI Plans. Metropolitan Planning Organizations (MPOS) and Regional Planning Commissions (RPCs) submit plans every three years. MPO/RPC Title VI and LEP Plans analyze U.S. Census data related to race and LEP individuals; discuss public outreach activities and report on complaints.
6. Public Involvement
- Facilities Development Manual 6-5-20 Special Public Involvement Considerations
7. Right-of-Way
- <https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/re/repm-forms.aspx>
 - Your Rights & Benefits as a Displaced Person Under Federal Relocation Assistance Program available in English and Spanish.
 - Rights of Landowners under Wisconsin Eminent Domain Law brochure available in English, Hmong, and Spanish.
 - Wisconsin Relocation Rights - Residential brochure available in English, Hmong, and Spanish.

8. Transit

- Transit Title VI Report to the Federal Transit Administration every three years includes a Limited English Proficiency (LEP) Plan which discusses the Transit Section's oversight of its subrecipients related to LEP requirements.
- Provides technical assistance and oversight to ensure subrecipient Title VI Plans assist and serve LEP populations.
- Online Title VI Plan Toolkit including LEP tool and LEP Plan to assist subrecipients in the development of a Title VI Plan. <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/title6.aspx>
- Train subrecipients on LEP Plans and specifically how to provide language assistance to LEP persons including the importance of tracking the frequency of LEP encounters and providing employees with "I Speak" cards as a tool to assist LEP customers.
- Compliance Site Review Program ensures subrecipients adhere to federal compliance requirements. On-site visits include a comprehensive review of civil rights requirements, subrecipient's Title VI Plan, an examination of the Notice of Nondiscrimination in vehicles, websites and public spaces, complaint procedure and complaint form, Limited English Proficiency Plan, specifically how to provide assistance to LEP individuals and contractor oversight provisions related to Title VI and Nondiscrimination.

ATTACHMENT

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

Craig M. Thompson, Secretary

by  _____
(Signature of Authorized Official)

DATED September 30, 2021

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).