TITLE VI
IMPLEMENTATION PLAN

October 1, 2019
(Revised from October 1, 2018)

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MDOT IS AN EQUAL OPPORTUNITY EMPLOYER
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I. INTRODUCTION

The Michigan Department of Transportation (MDOT) was organized under Sections 16.450 - 16.458 of the Michigan Compiled Laws (sections of the Executive Organization Act of 1965) and established to provide the people of Michigan with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. MDOT’s transportation program serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse our state. MDOT recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The use of the word "person" is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a state within the United States. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects that are undertaken with federal financial assistance. In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. These statutes include Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), the Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability).

In addition to statutory authorities, Executive Order (E.O.) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February 1994, requires federal agencies to achieve environmental justice (EJ) as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of E.O. 12898 on EJ. Also, E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

As a recipient of federal financial assistance, MDOT must provide access to individuals with limited ability to speak, write, or understand the English language. The department must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration that cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of MDOT’s Title VI Program are:
1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by MDOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin;

3. To prevent discrimination in MDOT programs and activities, whether those programs and activities are federally funded or not;

4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, all interested persons, and affected Title VI populations;

5. To establish procedures to annually review Title VI compliance within specific program areas within MDOT;

6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in an MDOT service, program or activity.

MDOT's mission is "to provide the highest quality integrated transportation services for economic benefit and improved quality of life." As the state's primary recipient of federal transportation funds, MDOT must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

MDOT shall also ensure that sub-recipients adhere to state and federal law and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and other related statutes. MDOT, as a recipient that distributes federal transportation funds, shall monitor sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, MDOT will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI, and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination Under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination that may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons or groups differently because of their race, color, or national origin.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination, based on race, color, or national origin, occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With
disparate impact, the focus is on the consequences of a decision, policy, or practice rather than
the intent.

The department’s efforts to prevent such discrimination must address, but not be limited to, a
program’s impacts, access, benefits, participation, treatment, services, contracting opportunities,
training, investigation of complaints, allocation of funds, prioritization of projects, and the
overarching functions of planning, project development and delivery, right of way, construction,
and research.

MDOT has developed this Title VI Plan to assure that services, programs, and activities of the
department are offered, conducted, and administered fairly without regard to race, color, or
national origin of the participants or beneficiaries of federally funded programs, services, or
activities (see MDOT State Assurances).

**Limited English Proficiency (LEP)**

Michigan is home to a vast array of people from many cultures who speak many different
languages. Michigan’s diversity is recognized as an asset to our economy. Input from diverse
communities is vital to the process of meeting goals and expectations and resolving transportation
issues. Differing perspectives and backgrounds enable creativity and innovation toward building a
thriving economy. As a leader in transportation, MDOT understands all people in the United States
must have equal opportunity and equal access to programs, services, and activities that impact
the quality of life of its residents and visitors to the state. MDOT recognizes Michigan’s diversity
and has a major responsibility to ensure that persons who have language barriers are not
excluded from participation in, denied the benefit of, or otherwise discriminated against when
programs, services, or activities designed to improve Michigan’s infrastructure affect their
communities.

MDOT is committed to ensuring that persons having language barriers are made equal
participants early on in the development stages and throughout the life of a program, service, or
activity, and that the public and the communities the department serves are allowed to provide
input for those projects or plans that may have an impact on their well-being. It is MDOT’s intent to
ensure fairness, equal opportunity, inclusion, and access by actively seeking input from persons
who do not speak English or have difficulty communicating in English regarding quality of life
issues that directly affect them.

In accordance with Presidential E.O. 13166, “Improving Access to Services for Persons with
Limited English Proficiency (LEP),” MDOT personnel have been made aware of LEP
requirements. MDOT has examined the services it provides and has developed and implemented
a system by which LEP persons can meaningfully access those services consistent with the order.
(See MDOT LEP Plan at [www.Michigan.gov/TitleVI](http://www.Michigan.gov/TitleVI).) MDOT uses the American Community
Survey five-year estimates to determine potential higher need areas with regard to LEP
assistance. A higher concentration of LEP individuals in a project area will influence decisions
regarding outreach in languages other than English, and other potential mitigation strategies. Safe
harbor thresholds are used to determine higher risk areas, and local public agencies in those
areas are required to have a stand-alone LEP plan. MDOT uses EJ and LEP analysis in per-
project and planning levels. A more detailed description of this analysis and the processes
followed can be found in MDOT’s Public Participation Plan at
In consideration of the impact of its programs, services, and activities on LEP populations, MDOT uses the four-factor analysis to determine how to target populations to ensure inclusion in the transportation process.

Four-Factor Analysis:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. The resources available to the grantee/recipient and costs.

To further ensure effectiveness of the LEP requirements, MDOT has done the following:

1. Administrators throughout the department have been advised of their responsibilities in regard to LEP.
2. Program area administrators have been advised that reasonable steps should be taken in order to ensure meaningful access to MDOT programs and activities by limited English speaking people.
3. Individuals planning public meetings understand their responsibility to review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
4. MDOT will use interpreter services, which are available 24 hours per day, seven days per week. All program area and region personnel have access to an immediate interpreter of more than 100 languages. The following service are provided by Bromberg and Associates in Hamtramck. To request available services please contact:

   Orlando T. Curry, MSA
   425 W. Ottawa
   Lansing, MI 48909
   Phone: 517-241-7462
   Email: CurryO@Michigan.gov

5. Critical information has been printed and distributed in languages other than English where necessary, including Arabic and Spanish.
6. I-Speak cards have been distributed to drivers of MDOT’s Roadside Assistance Program and Welcome Centers.
7. MDOT’s complete LEP Plan has been developed and may be accessed via MDOT’s Title VI website at www.Michigan.gov/TitleVI.
8. The MDOT Public Involvement Plan (PIP) will also be utilized to identify low-income populations, minority populations, the elderly, and persons with disabilities who may also be LEP so they are included in the public involvement and engagement process. The
MDOT PIP can be viewed at

In addition to the aforementioned measures, MDOT designates the following individuals as language resources to help facilitate communication between limited English-speaking persons, stakeholders, contractors, and project managers in the public involvement and participation process.

**MDOT LEP Volunteers**

<table>
<thead>
<tr>
<th>LANGUAGE</th>
<th>EMPLOYEE</th>
<th>PHONE</th>
<th>SPEAK</th>
<th>READ</th>
<th>WRITE</th>
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<tr>
<td>AMERICAN SIGN LANGUAGE</td>
<td>Brian Walsh</td>
<td>517-241-2735</td>
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<tr>
<td>ARABIC</td>
<td>Mohammad Hammad</td>
<td>517-636-0289</td>
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<tr>
<td>ARABIC</td>
<td>Ghazi Mustafa</td>
<td>517-335-3721</td>
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<tr>
<td>ARABIC</td>
<td>Najim Salman</td>
<td>517-241-2181</td>
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</tr>
<tr>
<td>CANTONESE</td>
<td>Elaine Luo</td>
<td>517-335-2552</td>
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<tr>
<td>FRENCH</td>
<td>Michael Odette</td>
<td>989-274-6589</td>
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<tr>
<td>FRENCH</td>
<td>Zak Moussa</td>
<td>517-241-4103</td>
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<td>GERMAN</td>
<td>Diane Hayes</td>
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<tr>
<td>HINDI</td>
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<tr>
<td>KANNADA</td>
<td>Mahesha Shivalingaiah</td>
<td>517-241-1211</td>
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<tr>
<td>MALAYALAM</td>
<td>Smita Manjasseril</td>
<td>517-241-0641</td>
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<tr>
<td>MANDARIN</td>
<td>Zhizhen Liu</td>
<td>269-327-4489, ext. 223</td>
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<tr>
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<tr>
<td>SPANISH</td>
<td>Jose Garcia</td>
<td>517-373-0075</td>
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<tr>
<td>SPANISH</td>
<td>Maritza Amaro</td>
<td>269-337-3955</td>
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<td>TURKISH</td>
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<tr>
<td>BRAILLE</td>
<td>Carrie Martin</td>
<td>517-373-9424</td>
<td>Michigan Commission for the Blind</td>
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</table>

**Environmental Justice**

MDOT will continually monitor projects and programs prior to implementation that may have an adverse impact on the public and communities. The department will continually seek public involvement and participation to identify, discuss, and mitigate potential adverse impacts related to the environment, air quality, noise levels, displacement, congestion, and other situations that may present adverse concerns to communities directly or indirectly affected by projects and programs. (See the MDOT EJ Plan on the MDOT website at https://www.Michigan.gov/documents/MDOT/mdot_environmental_justice_analysis_report_363415_7.pdf)
II. TITLE VI ASSURANCES

The Michigan Department of Transportation (MDOT) (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 (FHWA), 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 FHWA.

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 non-discrimination 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 Transportation programs:

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 Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The MDOT, 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, MDOT 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 FHWA 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 FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, 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.

MDOT 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 Transportation program. This Assurance is binding on Michigan, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Transportation program. The person(s) signing below is authorized to sign this Assurance on behalf of the Recipient.

Paul C. Ajegba, P.E., Director
Michigan Department of Transportation

10/28/19
Date

III. REGULATORY REQUIREMENTS

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. MDOT, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI, does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. 23 CFR 200.9(b)(1) – Establish a civil rights unit and designate a coordinator.

2. 23 CFR 200.9(b)(2) – Adequately staff the civil rights unit to effectively implement state civil rights requirements.

3. 23 CFR 200.9(b)(3) – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly by the state and not by FHWA.

4. 23 CFR 200.9(b)(4) – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.

5. 23 CFR 200.9(b)(5) – Develop a program to conduct Title VI reviews of program areas.
6. 23 CFR 200.9(b)(6) – Conduct Title VI reviews of special emphasis areas to determine the effectiveness.

7. 23 CFR 200.9(b)(7) – Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.

8. 23 CFR 200.9(b)(8) – Review MDOT directives in coordination with state program officials and, where applicable, include Title VI and related requirements.

9. 23 CFR 200.9(b)(9) – Conduct training programs on Title VI and related statutes for state program and civil rights officials.

10. 23 CFR 200.9(b)(10) – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

11. 23 CFR 200.9(b)(11) – Submit updated Title VI implementing plan to the Regional Federal Highway Administrator (FHWA) for approval or disapproval.

12. 23 CFR 200.9(b)(12) – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.

13. 23 CFR 200.9(b)(13) – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.

14. 23 CFR 200.9(b)(14) – Establish procedures to identify and eliminate discrimination where found.

15. 23 CFR 200.9(b)(15) – Establish procedure for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.

16. E.O. 12898 – Ensure that EJ principles are integrated into procedures and programs.

17. E.O. 13166 – Ensure that appropriate LEP processes and procedures are implemented.

Related Laws and Statutes

18. Civil Rights Restoration Act of 1987 – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.


22. Uniform Relocation Assistance and Real Property Acquisition Act of 1970
23. 42 USC 6101 – Prohibits Age discrimination in any program receiving federal financial assistance.


25. Title VII of the Civil Rights Act of 1964 – Prohibits discrimination on the basis of race, color, religion, sex, and national origin.


IV. ORGANIZATION AND STAFFING

The Director of the Michigan Department of Transportation (MDOT) is responsible for ensuring that all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes. The Director has appointed a statewide Civil Rights Program Coordinator (hereinafter referred to as the MDOT Title VI Coordinator) and an Interdisciplinary Team for the implementation and management of the Title VI Implementation Plan. The MDOT Title VI Coordinator will provide oversight for the coordination of the day-to-day administration of the Title VI Program in conjunction with MDOT bureaus, offices, regions, and the Interdisciplinary Team. The MDOT Title VI Coordinator and the Interdisciplinary Team shall report to the Director on all matters related to MDOT civil rights programs.

Bureau directors, office and division administrators, and region engineers have oversight of their respective program areas and are responsible for compliance with the requirements of the Title VI Program, E.O. 12898, E.O. 13166, and related civil rights statutes. They are responsible for assuring that issues or complaints regarding Title VI and related statutes are promptly reported to the MDOT Title VI Coordinator for appropriate action. They are also responsible for supporting the Title VI Interdisciplinary Team Coordinators in their efforts to ensure compliance with Title VI.

The MDOT Title VI Coordinator and the Interdisciplinary Team are required to gather required data for reporting annual accomplishments and to provide updates to the FHWA. All department program areas have Title VI responsibilities and MDOT must ensure that bureau and office directors, region engineers and division administrators recognize their role and responsibility in ensuring compliance and provide data outlined in this implementation plan. Organizational areas and positions responsible for ensuring compliance include the following:

A. Office of the Director

   1. Mackinac Bridge Authority

   2. Office of Governmental Affairs

   3. Office of Communications

   4. Office of Economic Development

B. Chief Operations Officer
1. MDOT Title VI Coordinator
   a. Title VI Interdisciplinary Team
   b. Interdisciplinary Team Coordinators

2. Office of Business Development

3. Bureau of Field Services
   a. Deputy Bureau Director
      1) Construction Field Services
      2) Operations Field Services
      3) Research Administration

4. Bureau of Development
   a. Design Division
   b. Development Services Division
   c. Performance Excellence/Training

5. Region Engineers
   a. Bay Region
   b. Grand Region
   c. Metro Region
   d. North Region
   e. Southwest Region
   f. Superior Region
   g. University Region

C. Chief Administrative Officer

1. Bureau of Transportation Planning
   a. Statewide Transportation Planning
   b. Asset Management
   c. Intermodal Policy
2. Bureau of Finance and Administration
   a. Financial Operations Division
   b. Contract Services Division
   c. Accounting Service Center

3. Office of Aeronautics
   a. Airport Services Division
   b. Aviation Services Division

4. Bureau of Bridges and Structures
   a. Structure Design Section
   b. Geotechnical Services Section
   c. Structure Construction Section

4.1 Deputy Chief Bridge Engineer/Office of Structure Preservation and Management Administrator
   a. Bridge Management Section
   b. Bridge Preservation Section
c. Blue Water Bridge

5. International Bridge Administration

6. Office of Rail

7. Office of Passenger Transportation

V. PROGRAM AREA REVIEW PROCEDURES

The following sections describe the programmatic responsibilities of a bureau director, office or division administrator, or region engineer.

A. SPECIAL EMPHASIS PROGRAMS

In accordance with 23 CFR 200.9 (b)(5), the Title VI Coordinator conducts annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels. These reviews focus more in-depth on specific federal program areas. The Special Emphasis Program Area will be identified in the annual Title VI Implementation Plan and the results of these reviews will be summarized in the annual Title VI Accomplishments Report.

A Special Emphasis Program Area is a program area in which, during the annual program process reviews, the Title VI Coordinator had identified a trend or pattern that could potentially lead to discrimination. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in the compliance of the Title VI requirements. The Title VI Coordinator and program area representatives will coordinate efforts to ensure the equal participation in all their programs, services, and activities.

The Title VI Coordinator will conduct one Special Emphasis Program Area review annually. The Title VI Coordinator will notify the Division or Office Director of the Special Emphasis Program Area and a plan will be drafted on how best to remedy the trend or pattern of discrimination. The following criteria may be used in selecting the program area for review:

- Observations during the annual Title VI Program process reviews;
- Concerns or questions regarding Title VI complaints; or
- Deficiencies or observations made during the most recent FHWA Civil Rights Program assessment or review.

The Title VI Coordinator, in conjunction with the Americans with Disabilities (ADA) Coordinator, intends to review and monitor MDOT's janitorial/grounds maintenance services for rest areas and roadside parks for the years 2018-2019 as the department's Special Emphasis Program Area.

B. OFFICE OF THE DIRECTOR

The MDOT Director reports to the Governor of the State of Michigan. The Director, in conjunction with the Chief Operations Officer and the Chief Administrative Officer, is responsible for ensuring compliance and implementation of the department's Title VI Plan and related civil rights statutes, directives, and regulations throughout the department. The Director has delegated the day-to-day implementation and monitoring responsibilities of the Title VI Plan and related civil rights statutes to the Office of Business Development through the MDOT Title VI Coordinator, and the Interdisciplinary Team, with support and assistance from the MDOT Leadership Team.
1. Mackinac Bridge Authority

The Mackinac Bridge Authority (MBA) is responsible for setting tolls and fees for use of the bridge, and policy for its operations, preservation, and maintenance. The MBA is committed to preserving and maintaining the State of Michigan’s single largest asset and one of the world’s leading suspension bridges.

    Monitoring

1. Ensure the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a non-discriminatory manner.

2. Ensure that customers and stakeholders are treated fairly and equitably by MBA personnel in performance of their duties.

    Annual Review

1. Report of the proceedings, operation and financial condition of the MBA Board and the bridge to the Governor.

2. Independent financial audit report.

3. Twenty-Year Business Plan.

4. Number of complaints made by travelers via the bridge.

2. Office of Governmental Affairs

The Office of Governmental Affairs represents MDOT’s interests as new or amendatory legislation is developed or moving through the legislative process. The office also works directly with legislators’ offices regarding state and local transportation constituent concerns.

    Monitor

1. Ensure that legislation having potential Title VI impact is brought to the attention of the MDOT Director.

2. Work with the budget office relative to the appropriations process.

3. Meet with regions to resolve legislative complaint or concerns.

    Annual Review

1. Number of complaints received via the legislative liaison office, i.e., community impacts of significant projects or programs to ensure non-discrimination.
3. Office of Communications

The Office of Communications (OoC) represents MDOT's interests to the public and to the media. The OoC also provides guidance to MDOT personnel in preparing external communication regarding MDOT standards and style, including newsletters, reports, brochures, fliers, web copy, presentations, and other forms of communication that are available to the public, employees, media, and interested parties.

4. Office of Economic Development

The Office of Economic Development (OED) manages one federally funded grant program, the Transportation Alternatives Program (TAP), and a state funded program, the Transportation Economic Fund (TEDF). In addition, the office manages a loan program, the State Infrastructure Bank (SIB), which has been re-capitalized with state funds.

TAP Programs

The TAP program in Michigan is operated as two separate programs, TAP and Safe Routes to School (SRTS). The same funding pool is used by both programs and the same federal rules apply to both programs. Of the roughly $26.5 million annual budget, $6.5 million is allocated to large metropolitan planning organizations (MPO) to be distributed as they decide internally. OED does not have a role other than advisory in project selection.

The other $20 million in TAP funding is granted through a comprehensive application process managed by OED. All eligible agencies are encouraged to apply, and all agencies receive assistance by OED and other MDOT personnel to help them submit the most competitive application possible. Routinely, any ADA provisions are assessed as part of the application and review process. No grant is made without these provisions being addressed as part of the application process. In all cases, community involvement in the proposed project must be demonstrated as part of the application.

All TAP projects, whether from the MPO allocation or OED's, are delivered in the same manner all federal-aid projects are delivered by MDOT. This includes certification that all Title VI provision are addressed in the plans, bid documents, and contracts with the receiving agency.

TEDF Programs

There are five individual TEDF categories. Three of the categories are not directly administered by OED. One category of this funding, Category E, is distributed directly to the 47 eligible counties as prescribed in the TEDF legislation. Other than the counties reporting where the funds were expended, MDOT does not have any oversight over selection or implementation of any individual projects.

Two other categories of funding, Category C and D, are distributed to cities, villages and counties based on formulas contained in the TEDF legislation. Projects are selected by the individual agencies and confirmed by collective decision of their respective planning agencies. All projects selected for these categories are delivered in the same manner as all federal-aid projects are delivered by MDOT. This includes certification that all Title VI provisions are addressed in the plans, bid documents, and contracts with the receiving agency.
Funds from the other two categories, Category A and F, are granted through a competitive application process managed by OED. Counties, cities, villages and MDOT are eligible for Category A funding; MDOT is not eligible for Category F funding. All eligible agencies are encouraged to apply, and all agencies receive assistance by OED and other MDOT personnel to help them submit the most competitive application possible. Additionally, every road agency eligible for Category F grants are notified annually when the application period is open. The Category A application timeline is posted on the TEDF website.

For Category A grant selection, county average wages and employment rates are updated annually and included in the scoring model imbedded in the application. The mathematical calculations that are part of the economic model behind the application scoring, weights and results lean toward counties with higher unemployment and lower average wages.

As the content of these applications are the responsibility of the individual applicant, and nonmotorized facilities are not typically a component of the proposed project, the office does not typically review for inclusion of ADA accommodations. However, MDOT does allow ADA accommodations as part of any proposed project, even if the nonmotorized facilities are not being impacted by the proposed roadwork. Applications for Category A funding must include resolutions of support from the local governments where the project is located, even if the local government is not the same as the road agency.

Projects associated with Category A and F grants are delivered by two different methods. One method is the same manner all federal-aid projects are delivered. This includes certification that all Title VI provisions are addressed in the plans, bid documents, and contracts with the receiving agency. The second method, Direct Grant, means that the funds are directly provided to the recipient agency. As part of the implementation process, the recipient agency must self-certify that they will comply with all applicable laws and regulations as part of the part of the process. In addition, all contracts with local agencies include provisions to ensure that they will meet all the applicable laws and regulations. OED does not oversee the actual construction of these projects.

**State Infrastructure Bank (SIB) Loan Program**

This loan program is administered to local Act 51 agencies for eligible transportation projects. These loans are mainly meant to address short-term transportation needs as identified by the communities themselves. It is not a comprehensive process and the ability of the loan applicant to repay the loan is factored into the length and rate of interest included in the loan terms. The OED does not monitor the implementation of the work associated with the loan and is not responsible for certifying that Title VI compliance is addressed. The contract between MDOT and the agency for the loan includes excerpts from USDOT 49 26.13 regarding Title VI compliance, which states that the loan recipient is the responsible party.

**Monitoring and Annual Review**

OED does not track minority or disadvantaged communities considered for funding but may be able to do so if provided with a listing of those communities. Some of the applications OED receives come from road agencies that have a wide range of socio-economic populations within their jurisdictions. Sometimes projects may not fall within the geographic areas where minority and/or disadvantaged communities are located but benefit the area as a whole by removing transportation barriers to economic activity as a whole.
The intent of OED’s grant programs is to provide funding for transportation projects. The grants and loans are not intended to be used to provide jobs. OED does not grant funds to individuals; consequently, there have been no complaints by individuals under Title VI. With respect to community groups that represent disadvantaged and minority populations, OED only grants funds to Act 51 agencies and therefore do not track this information and do not have the ability to track it using their grant management system.

- The OED does not track complaints by minority communities considered for funding or the number of jobs provided to minority populations and low-income populations.

C. CHIEF OPERATIONS OFFICER

The Chief Operations Officer is responsible for oversight of the Bureau of Highway Development, Bureau of Field Services, MDOT’s seven regions, the Office of Business Development, and the Office of Operations Administrative Services in ensuring non-discrimination in all of MDOT’s programs, services, and activities.

1. MDOT TITLE VI COORDINATOR

The MDOT Title VI Coordinator, in conjunction with the Interdisciplinary Team and the Leadership Team, provides oversight to ensure non-discrimination in any program, service, or activity related to transportation, and to ensure that all program areas are in compliance with Title VI and related state and federal civil rights regulations. The duties of the Title VI Coordinator, in conjunction with the Leadership Team and the Interdisciplinary Team, are as follows:

1. Monitor and review MDOT’s programs, policies, and activities for Title VI compliance in primary and special emphasis areas. Compile and analyze data gathered by the Interdisciplinary Team regarding Title VI impacts in bureaus, offices, and regions, and produce reports as required by federal authorities, including FHWA, FTA, and the USDOT.

2. In accordance with CFR 21, Section 200.9(b) (10) & (11), an annual report of Title VI accomplishments for the past year is submitted to the FHWA at the end of the fiscal year, on or before Dec. 1. The report will compile the activities and accomplishments of all program areas and shall demonstrate MDOT’s compliance with Title VI. Requirements for compliance are outlined in Section IV – Regulatory Requirements - of this Plan.

3. Conduct Title VI reviews of sub-recipients, i.e., cities, counties, villages, suppliers, universities, and other recipients of federal funds.

4. Participate in Title VI reviews of MPOs as requested by FHWA.

5. Collect and review statistical data (race, color, or national origin) of participants and beneficiaries of state highway programs, e.g., relocatees, affected citizens, and impacted communities, to prevent or eliminate potential disparate impact or disparate treatment discrimination.

6. Conduct awareness training on Title VI, EJ, LEP and other related statutes for MDOT employees, and sub-recipients of federal transportation funds to identify, prevent and eliminate discrimination.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.

8. Attend Disadvantaged Business Enterprise (DBE) conferences and other civil rights seminars to stay abreast of federal requirements, implementation, and expectations by the federal government.

9. Develop and maintain a website for dissemination of Title VI information and related statutes, directives, and regulations to the general public and in languages other than English.

10. Draft and develop correspondence, literature, publications, and brochures for dissemination to the public, and in languages other than English based on community demographics.

11. In conjunction with the Interdisciplinary Team, ensure completion and dissemination of the EJ and LEP plans.

12. Establish procedures for promptly resolving deficiency status and reduce to writing the appropriate remedial action. Ensure deficiency status is corrected within a period not to exceed 90 days.

13. Receive, promptly process, and resolve Title VI complaints against sub-recipients, and provide assistance to federal authorities when the complaints are against the state transportation agency.

a. Title VI Interdisciplinary Team

In January 2002, the MDOT Director supported the implementation of the MDOT Title VI Interdisciplinary Team. The Director invited MDOT bureau directors, administrators, managers, and region engineers to attend a Title VI implementation session conducted by the FHWA, Midwestern Resource Center, and the Wisconsin DOT. As a result of the meeting, the Title VI Interdisciplinary Team was established. The impetus for the formulation of this team was based on guidance provided by FHWA, "Preventing Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach." MDOT's Title VI Interdisciplinary Team is made up of individuals designated as coordinators from each program area and region. The interdisciplinary team approach to Title VI compliance provides an opportunity for coordinators to work together to develop procedures related to Title VI compliance. This approach also helps to prevent the duplication of efforts and provides a forum for sharing concerns, ideas, and problem-solving related Title VI compliance and impacts.

Interdisciplinary Team members are responsible for monitoring whether procedures and practices within their respective areas are applied fairly, equitably, and in a non-discriminatory manner in accordance with Title VI, E.O. 12898 (EJ), and E.O. 13166 (LEP). The MDOT Title VI Coordinator serves as the chair of the Interdisciplinary Team and works with them to resolve issues having Title VI impacts. Team members gather and provide data to the MDOT Title VI Coordinator for the annual update and accomplishment required by the FHWA.
### INTERDISCIPLINARY TEAM MEMBERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Bureau/Office</th>
<th>Phone Number</th>
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<tbody>
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<td>Martin, Kari</td>
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<td>Sims, Ralph</td>
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<td>Stonebrook, William</td>
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<tr>
<td>Watson, Karen</td>
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<td>517-322-3306</td>
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2. Office of Business Development

The Office of Business Development oversees management of the Lansing and Detroit Business and Workforce Diversity sections, and the Title VI Coordinator. Responsibilities include DBE goal-setting and conferences, as well as the implementation of all DBE supportive services activities, i.e., DBE Program, development of initiatives supporting small businesses, DBE Program training and support, DBE outreach, producing and updating DBE Program procedures, DBE reimbursement programs, oversight of the supportive services analysts/staff, implementation of certification and compliance activities, DBE certification, participating in the Michigan Unified Certification Program, DBE commercially useful function reviews, external Equal Opportunity (EO) contractor compliance reviews, On-the-Job Training (OJT) Program implementation and monitoring, and reporting activities to FHWA and MDOT leadership, the implementation of the Transportation Diversity Recruitment Program (TDRP), the Title VI Program, and the external ADA Program.

Monitor

1. Ensure that provisions of the DBE Program procedures are being implemented with respect to federal-aid construction contracting and sub-contracting in a non-discriminatory manner.

2. Establish the appropriate level of DBE participation on federal-aid transportation construction projects.

3. Implement and monitor the OJT Program.

4. Conduct EO Contractor Compliance reviews annually.

5. TDRP.

6. Title VI Program.

7. ADA Program.

Annual Review

1. Number of DBE certification reviews, approvals and denials by sex and ethnicity of applicants.

2. Complaints received by complaint type, i.e., sex, ethnicity, and disposition.

3. Number, sex, and ethnicities of DBE firms receiving contracts in the fiscal year and the dollar amount.

4. Number, sex and ethnicities of OJT's placed/working in the fiscal year.

5. Number of contractor compliance reviews.

6. Number of contractors found to be in non-compliance with DBE, EO or OJT requirements by sex, ethnicity, and program.
2. Bureau of Field Services

The Director of the Bureau of Field Services has the responsibility to ensure that the operations within the bureau are performed consistently with MDOT standards, comply with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and E.O.s. The Bureau Director has the responsibility of overseeing the Safety and Security Section in ensuring non-discrimination in all of its programs, services, and activities.

a. Deputy Bureau Director

The Deputy Director of the Bureau of Field Services has the responsibility of overseeing the Construction Field Services Division, Operations Field Services Division, and Research Administration in ensuring non-discrimination in all of its programs, services, and activities.

3.1 Construction Field Services

The Construction Field Services Division is responsible for the development and distribution of construction specifications, quality control/quality assurance programs, field consultation standards, and training in support of the region's delivery of the annual program.

The division provides specialized engineering expertise to the regions and other divisions and maintains American Association of State Highway and Transportation Officials (AASHTO)-accredited testing laboratories for all types of highway materials.

Monitor

Ensure that policies and procedures for monitoring construction activities are applied in a non-discriminatory manner.

Annual Review

All Title VI complaints received by the Construction Field Services Division are reviewed and resolved by the engineer and specialist in a timely manner.

a. Research Administration

The Research Administration Section is responsible for overseeing the development of the research program, managing research projects and implementing research results. The research program is developed and administered consistent with federal and state requirements, including those required by Title VI of the Civil Rights Act of 1964.

The majority of MDOT-sponsored research is contracted to universities and consultants. MDOT staff are primarily responsible for overseeing the research work to ensure that project deliverables are being achieved. The goal of the research program is to promote innovative research for economic benefit and improved quality of life.

Monitor
Research Administration coordinates all contract procurement activities through the Contract Services Division. Request for Proposals are advertised and awarded in accordance with department procedures/policies, including those outlined in Title VI. Any issues and/or concerns pertaining to Title VI are investigated in cooperation with the MDOT Title VI Coordinator.

The following information will be provided in an annual report to the MDOT Title VI Coordinator at the end of each fiscal year:

1. Title VI complaints on sub-contracts and contracts.
2. Identify areas of concern or barriers to successful participation by female or minority firms on research projects.

3.2 Operations Field Services

The Operations Field Services Division has the primary responsibility of overseeing roadway and bridge maintenance, bridge preservation, and operation of the state's integrated highway system. The division is made up of three sections: the Intelligent Transportation Systems (ITS) Program Area, Maintenance and System Operations, and the new Bridge Field Services Section. The division has a Title VI Coordinator who will work with staff to ensure compliance with all requirements.

Services provided by the division include oversight of the statewide ITS program, statewide contracting and monitoring of emergency and maintenance bridge work, contracting for statewide maintenance activities and material purchases, management of statewide overhead signs, and signal and sign fabrication programs.

The Traffic Incident and Management Unit provides a comprehensive program that includes incident tracking and partnering with other stakeholders, such as fire departments and law enforcement, to ensure safety for Michigan motorists. The Congestion and Mobility Unit provides congestion and mobility programs, while the Work Zone Management and Mobility Unit provides training to staff statewide to ensure that work zone processes and regulations are followed. Through innovation, partnerships with local agencies, and program implementation, the division strives to meet the goal of Title VI while increasing mobility and safety on the highways.

Monitor

1. Monitor contracts: agency contracts, including county and municipality, to ensure they contain Title VI provisions.
2. Ensure that Title VI provisions are included in Indefinite Delivery of Services (IDS) and Chemical Storage contracts.
3. Monitor sub-contracts of more than $25,000 to make sure that the projects have been advertised and that the competitive selection process was utilized.
4. Ensure that contract agencies have advertised and awarded contracts in accordance with Chemical Storage Facility Program guidelines and procedures.
5. Monitor the Adcpt-A-Highway Program to ensure equal access to all volunteers.

6. Ensure that all issues or complaints regarding Title VI are promptly reported to the MDOT Title VI Coordinator.

Annual Review

The following information will be provided in an annual report to the MDOT Title VI Coordinator no later than Oct. 1 each year:

1. Title VI complaints on sub-contracts and contracts.

2. Identify areas of concern or barriers to successful participation by female or minority firms on maintenance or construction projects.

3. Efforts made to monitor the sub-contracting process to ensure that correct contract procedures have been followed and that competitive bidding was used.

4. Bureau of Bridges and Structures

The MDOT Chief Bridge Engineer, also the Director of the Bureau of Bridges and Structures (BOBS), has the responsibility to ensure that the operations within the Bureau are performed in alignment and within MDOT policies and standards, along with compliance with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and E.O.s.

a. Structure Design Section

The Structure Design Section is responsible for producing bridge and ancillary structure design plans and contract documents for MDOT bridge and structure projects as well as overseeing the same design, and plan production by consultants.

The Bridge Design Supervising Engineer is responsible for engineering and managing all aspects of bridge and structure design activities of five bridge design squads whose responsibility is to design and prepare engineering drawings of highway, railroad and pedestrian bridges, retaining walls, and related ancillary structures, as well as manage consultant contracts for similar duties. This position assigns bridge projects to the in-house bridge design squads and consultants and closely coordinates with other departmental staff responsible for producing and monitoring synchronized road and bridge plans and projects to meet scheduled deadlines. This position develops, manages, and oversees bridge design squad use of the Program Project Management System (PPMS), the development and implementation of performance measures, risk assessment, and Quality Control (QC) and Quality Assurance (QA) programs. This position is bridge design's representative on the Statewide Design Alignment Team and the Statewide Bridge Alignment Team. This section develops, implements, and manages a bridge design goal to provide excellent customer service and prequalifies consultants for various bridge categories.

b. Geotechnical Services Section
The Geotechnical Services Section provides geotechnical services, such as foundation analysis and design recommendations, support for district soils engineering, soils testing and instrumentation, coring and boring investigations, and other special investigations, to various organizational units within the department to be used in the planning, design, construction, maintenance, and performance of transportation facilities.

The Supervising Engineer of Foundation, Design, Analysis, and Soil Testing oversees laboratory and field testing of soils and related geotechnical materials, as well as the foundation analysis and soil mechanics group, and is responsible for performing detailed foundation analysis for transportation facilities statewide. This section develops and implements specific soil testing programs to determine subsurface soil properties for foundation analysis purposes, oversees development of consultant contracts for geotechnical analysis, and oversees geotechnical-related construction specifications.

c. Structure Construction Section

The Structure Construction Section is responsible for all programs, procedures, policies, standards, and specifications related to supporting MDOT field offices and local agencies in addressing overall bridge construction and rehabilitation issues statewide.

The Structure Construction Supervising Engineer functions to administer, direct, and review work of the Structures Construction Section. Duties include directing engineers, specialists, technicians, administrative support, and skilled tradesmen, and to initiate, supervise and provide guidance to all agencies (private, public, or governmental) in matters related to structure construction issues, fabrication, and structural modeling. This position is responsible for statewide bridge fabrication policy and procedure, and for administering the evaluation and resolution of bridge fabrication issues, while collaborating with designers and field personnel. This position will also assist the Chief Bridge Engineer in the development and facilitation of standards and processes to provide quality assurance and quality improvement in all Bureau functions, including resolution of a wide range of transportation problems in the area of structures, highway noise, and electronics at the local, regional, and national levels.

4.1 Deputy Chief Bridge Engineer/Office of Structure Preservation and Management Administrator

The Deputy Chief Bridge Engineer/Office of Structure Preservation and Management Administrator of the BOBS has the responsibility of overseeing the Bridge Management and Bridge Preservation Sections to ensure non-discrimination in all its programs, services, and activities. The Deputy Chief Bridge Engineer works in tandem with the Bureau Director in setting and executing strategic direction and promoting a culture of employee engagement and a positive work environment. This position supervises and assigns personnel within the Structure Management, Structure Preservation, and Bridge Program functional areas. The position also coordinates and oversees all office employee relations, including hiring and promotions, performance reviews, and completion of performance plans, labor disputes, and disciplinary issues. This position also ensures equal employment opportunities in all aspects of hiring and promotions.

This position administers and supervises the Office of Structure Preservation and Management within the MDOT BOBS. This position serves as the limited overall assistant to the Bureau Director in achieving the goals and objectives of the Bureau and MDOT. This position is responsible for the administration of the core field-related and operations-related functional sections within the BOBS.
a. Bridge Management Section

The Bridge Management Section is responsible for all programs, procedures, policies, standards and specifications in accordance with the National Bridge Inspection Standards (NBIS), and compliance with the Code of Federal Regulations (CFR) part 650. This section provides support and liaison to the seven regions, various state committees, associations, and local agency bridge owners for all bridge management issues.

The Bridge Management Engineer provides engineering and administrative oversight to the operational aspects of the department's annual bridge program, development of bridge management systems, and development, maintenance, and communication of bridge strategy and performance measures in accordance to MDOT's strategic plan, state goals, and objectives. This includes the structure inspection program, bridge management systems, and bridge load rating. This position effectively communicates in all modes, with all stakeholders and partners to ensure the success of the states.

b. Bridge Preservation Section

The Bridge Preservation Section is responsible for all programs, procedures, policies, standards and specifications related to Structures Management Section issues.

The Structures Management Supervising Engineer functions to administer, direct, and review work of the Bridge Request for Action (RFA) Design Squad, Bridge Emergency Response, along with the direct force Bridge Repair Crew, Reach-all Crew, and Sign Fabrication and Installation crews. This position is responsible for managing the Structure Maintenance Section, which develops statewide transportation programs, standards, guidelines and methods, and provides expertise and support services relative to the planning, management, operation, and maintenance for Statewide Bridge Engineering Support, Bridge Emergency Coordination, Bridge Repair Operations and Overhead Signs, and Sign Fabrication.

Blue Water Bridge

The Blue Water Bridge is the Port Huron point of entry to Michigan from Canada and its staff is responsible for the administration and direction for the operations, repairs, and improvement of the Blue Water Bridge, including the day-to-day operations of a 24/7 tolls center receiving the public entering into Michigan.

Staff duties include:
- Directing the day-to-day operations; overseeing budget; maintenance, including repair and improvements; and identify, implement, and foster open communications among bridge staff and the public.

- Overseeing Michigan Welcome Center facilities and functions associated with the Port Huron point of entry to Michigan.

- Coordinating all Blue Water Bridge operations with Central Office and BOBS functions, other local, state and federal agencies, and the operating entities for the Canadian portions of the border crossing.
Monitor
1. Ensure all programs are administered in a nondiscriminatory manner.
2. Ensure any displaced transient populations are relocated equitably.
3. Ensure that Title VI provisions are included in all BOBS contracts.
4. Forward all Title VI complaints received by BOBS to MDOT's Title VI Coordinator.

Annual Report
1. Title VI complaints received regarding any BOBS program or the Blue Water Bridge.
2. Identify areas of concern or barriers to benefits of BOBS programs.
3. Efforts made to relocate transient populations affected by BOBS projects.

5. Bureau of Development

The Director of the Bureau of Development has the responsibility to ensure that the operations within the bureau are performed consistently with MDOT standards, comply with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and E.O.s.

a. Environmental Section

The project development phase occurs between planning and construction where project impacts are more specifically defined, final location selected, and design prepared.

The Division Administrator for the Project Planning and Environmental Sections is responsible for assuring that the determination of environmental effects and resulting impacts and mitigating measures are executed in accordance with Title VI. The division/section will appoint a Title VI Interdisciplinary Team Coordinator to assist with this responsibility. This process requires consideration of social, economic, and environmental effects of a proposed project to identify discriminatory issues and meet the intended transportation needs and goals of a community, and for protection and enhancement of the environment. Inclusion of all interested and affected persons in transportation projects will be a priority. To this end, the Division/Section will:

Monitor
1. Monitor public involvement processes to improve participation and reduce barriers for minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations throughout the environmental clearance process.
2. Identification of mitigating measures when there is the potential for disproportionate or discriminatory impacts on minority populations, low-income populations, the elderly and persons with disabilities.
3. Monitor compliance with EJ (E.O. 12898) through the use of environmental studies to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations that are impacted by transportation projects and activities.
4. Monitor compliance with E.O. 13166, LEP, to assure access and understanding of transportation projects and activities of those populations with language barriers.
5. Where consultant agreements are utilized for location studies, ensure that female and minority-owned consulting firms are afforded maximum opportunity to participate in such agreements.

6. Monitor environmental accomplishments and problem areas.

Annual Review

The following information in the Project Planning Division will be reviewed and provided in an annual report submitted to the MDOT Title VI Coordinator at the end of each fiscal year:

1. Public involvement strategies for engaging minority populations, low-income populations, LEP populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in transportation decision-making and for reducing participation barriers.

2. Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.

3. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups.

4. Methods used to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are appropriately considered in the decision-making process.

5. Number and type of environmental documents (Environment Impact Statements (EIS), Environmental Assessments (EA) - Finding of No Significant Impact (FONSI), Record of Decision (ROD)) processed for the fiscal year.

6. Summary of EA or EIS where minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations were adversely impacted and mitigation measures taken as a result.

7. Number of consulting agreements involving environmental studies and their dollar value.

8. Number of public hearings/information meetings held, the meeting location, and representative participation based on the affected populations within the project area.

9. Efforts made to take EJ concerns into consideration in the environmental process.

10. Significant accomplishments and actions planned for the ensuing year.

b. Design Division

The Design Division is responsible for providing and supporting the development of transportation project documents and services in support of the department's strategic goals and delivery of contracts on time and within budget. The division prepares construction plans and related contract
documents for the construction/reconstruction of state highways, bridges, and related structures. In addition, they provide engineering data regarding utilities, and roadside development to be used for design documents of transportation projects. They are responsible for administering and coordinating projects designed by consultants. They develop and organize project study procedures and oversee multi-discipline project investigations to obtain engineering, planning and environmental data for analysis. They also assure plans and proposals are prepared in conformance with FHWA, AASHTO and MDOT design procedures, principle standards and specifications. They coordinate and implement automated engineering systems and standards. They are responsible for administering the federal and state aid programs; acquiring aerial mapping photography and produce topographic maps to be used for design/construction documents of transportation projects; and accumulating survey data for the use of Project Development, Road and Bridge Design units and the Development Services support area.

**Monitor**

1. Monitor the public involvement processes for Design Division-initiated or managed projects to improve performance and reduce barriers of participation for minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.

2. Monitor ADA compliance on projects initiated, managed, or overseen by MDOT Design Division.

3. Monitor design exceptions for compliance with Title VI requirements.

4. Monitor compliance with E.O. 13166, LEP, for public meetings initiated by Design Division to provide clear understanding of MDOT projects and programs.

**Annual Review**

1. Number of public involvement meetings initiated by Design Division.

2. Adherence to the MDOT Design Manual to ensure projects are ADA-compliant.

3. Ensure community involvement and participation is considered in the design of projects, including low-income populations and minority communities.

4. Number of complaints received related to the design of infrastructure in projects initiated and managed by the Design Division.

**c. Development Services Division**

The Development Services Division is responsible for assuring the right-of-way acquisition process and the results of that process are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses. The Division Administrator will appoint a Title VI Interdisciplinary Team Coordinator to assist in gathering information for the Title VI report. The Development Services Division will:
Monitor

1. Ensure the inclusion of Title VI provisions in fee appraiser and negotiator contracts.

2. Monitor diversification in the use of fee appraisers and negotiators.

3. Monitor use of staff appraisers and consultants from the approved fee appraiser list.

4. Monitor efforts made to ensure that female and minority appraisers are provided equal opportunity to participate in the bid process.

5. Ensure equitable treatment of persons displaced by transportation projects, regardless of race, color, national origin.

6. Monitor efforts taken to overcome language barriers during right-of-way negotiations.

7. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance during the right-of-way process.

Annual Review

The Development Services Division will provide the following information in an annual report submitted to the MDOT Title VI Coordinator no later than Oct. 1 each year:

1. Number of consultants utilized, number of female and minority consultant fee appraisers, and efforts made to increase participation of female and minority consulting firms.

2. Number of staff utilized, including the number of female and minority staff appraisers, and efforts made to increase participation of females and minorities in the appraiser process.

3. Efforts made to provide information in the appropriate language during negotiations, including the number of times an interpreter was used.

4. Number of relocations of female, minority, elderly, low-income, and persons with disabilities.

5. Concerns raised, if any, by female, minority, elderly, low-income, and persons with disabilities who were relocated.

6. Number of relocation assistance contracts awarded, as well as the number of female or minority firms utilized, and efforts made to encourage female and minority firm bidding.

7. Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance and payments, failure to provide language assistance, and the failure to provide reasonable accommodation to persons with disabilities during the negotiation process.

8. Significant accomplishments and actions planned for the following year.

9. MDOT Development Services activities that originate in the regions will be monitored by the Region Title VI Interdisciplinary Team Coordinator. The Coordinator will also inform Lansing Development Services of what is reported.
6. Region Engineers

The state is divided into seven geographic regions: Bay, Grand, Metro, North, Southwest, Superior, and University. Each region handles traffic operations, planning and design of transportation projects, construction administration, roadway maintenance, and stakeholder engagement, as well as issuing permits for private use of the highway system right of way. Each region office provides oversight and program guidance. Between two and four transportation service centers in each region provide direct transportation projects and services.

Monitor

1. An Interdisciplinary Team Coordinator is based in each region. Acting with the authority of the region engineers, they are responsible for monitoring whether procedures and practices within the region offices and TSCs are applied fairly, equitably, and in a non-discriminatory manner, in accordance with Title VI, E.O. 12898 (EJ), and E.O. 13166 (LEP). Concerns regarding compliance are shared with the applicable Region Engineer to determine the appropriate actions.

2. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and nonmotorized) activities assigned to the regions to ensure compliance with Title VI provisions;

3. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and nonmotorized) contracts and sub-contracts assigned to the regions to ensure the sub-recipients comply with Title VI provisions;

4. Examples of related activities include but are not limited to the following:
   a. Ensuring that stakeholder and partner engagement efforts and project decisions consider Title VI provisions, including all necessary mitigation strategies.
   b. Verifying that work activities contracted or sub-contracted to DBE sub-recipients are completed appropriately, offering training assistance when needed.
   c. Confirming that sub-recipients and employees of sub-recipients receive timely and proper wages and payments, following timely contract payment and wage determination procedures.
   d. Ensuring that sub-recipients properly post notices of Title VI provisions for their employees’ awareness at each field location of contract work, reviewing the job posters at each project site.
   e. Completing region real estate transactions in a manner consistent with provisions of Title VI and all other applicable laws.
   f. Ensure that MDOT projects are constructed in accordance with current ADA standards, address ADA complaints in accordance with current policy and procedures, and consult as needed with accessibility and mobility experts.

Annual Review

Coordinators gather and provide data to the MDOT Title VI Coordinator for the annual update no later than Oct. 1, including the accomplishment report required by the FHWA.
D. CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer is responsible for oversight of the Bureau of Transportation Planning (BTP), Bureau of Finance, Office of Passenger Transportation, Office of Rail, Office of Aeronautics, and the International Bridge Administration in ensuring non-discrimination in MDOT's programs, services, and activities related to these specific areas.

1. Bureau of Transportation Planning

The BTP is primarily responsible for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. The Bureau Director will appoint a Title VI Interdisciplinary Team Coordinator to assist with this responsibility. This process requires consideration of social, economic, and environmental effects of a proposed plan or program on identified groups to avoid biased programs. The Team Coordinator also monitors the transportation planning activities of the various MPOs to ensure consistency with Title VI compliance requirements. The elements to be monitored include the following:

a. Statewide Transportation Planning

Monitor

1. The overall strategies and goals of the transportation process are to ensure Title VI compliance by monitoring the utilization of demographic information to identify minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations, and examine distributions of the benefits/burdens of the transportation plans and activities of these groups.

2. The service equities of the planning data collection and analysis for impacts on different socio-economic groups.

3. EJ (E.O. 12898) issues to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations that may be impacted by transportation planning programs.

4. Compliance with E.O. 13166, LEP, to improve access and understanding of transportation planning processes for those persons in the population who have language barriers in speaking, writing, and understanding English.

5. Transportation planning and accomplishments and problem areas.

Annual Review

The following information in the BTP will be reviewed and provided in an annual report submitted to the MDOT Title VI Coordinator at the end of the fiscal year:

1. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in the public outreach effort, and public outreach efforts made to utilize media targeted at these groups.
2. Methods to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are considered in the decision-making process.

3. Number of public information meetings/open houses that were held, including percentages of female and minority participation, in cooperation with MPOs and regional planning agencies.

4. Review Public Participation Plans (PPPs) developed by MPOs to ensure Title VI compliance and processes for reaching out to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in development of Long-Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs).

5. Efforts made to take EJ concerns into consideration in the transportation process.

6. Title VI complaints received regarding the transportation planning or public involvement process.

7. Significant accomplishments and actions planned for the ensuing year.

b. Asset Management/Data Inventory and Integration Division

The Asset Management Division of the BTP has the primary responsibility of assuring that, while carrying out the objective to strategically manage MDOT's transportation system in a cost-effective and efficient manner, it does so in accordance with Title VI. The BPT was reorganized giving responsibility to the Transportation Asset Management Council (TAMC) Support Division and the Data Inventory and Integration Division (DIID) to ensure compliance with the following Title VI requirements.

Monitor

1. DIID and TAMC Support Division will ensure that the division adheres to MDOT and State of Michigan contracting policies and procedures when contracting for training materials, the collection of data, and related support material in the course of doing business.

2. DIID will ensure contracts awarded when providing ongoing statewide and specialized traffic monitoring services for MDOT must follow Title VI provisions as implemented by MDOT.

3. DIID will administer the statewide system traffic monitoring program, including development of travel measures required for management system development and federal reporting requirements, in consideration of and in compliance with Title VI.

4. DIID will ensure that, while providing support to MDOT's strategic planning asset management programs, they meet Title VI provisions.

5. DIID and TAMC will ensure that the bureau's training program is non-discriminatory in coordination, content, and implementation.

6. TAMC will ensure that, while providing support to the DIID, it does so following MDOT and State of Michigan contracting policies and procedures.
7. DIID will administer federal Highway Performance Monitoring System reporting in a non-discriminatory manner.

Annual Review

1. Yearly, the TAMC Support Division and the DIID will review BTP processes to ensure compliance with Title VI requirements while addressing the objective to strategically manage Michigan’s transportation system.

2. The review will include the support provided to the TAMC.

c. Intermodal Policy

The Intermodal Policy Division Administrator oversees analysis of and department responses to policy and legislative changes affecting transportation, including changes in funding, technology, land-use policies, environmental concerns, intermodal issues, local government initiatives, and others to identify emerging issues, and analyze their effects on the transportation system, on revenue, and on commercial or personal travel. The Intermodal Policy Division assists the Michigan State Transportation Commission and Executive Management Team in analysis and policy development, and provides information and analysis for the implementation of those policies in the department, the Legislature, and Congress, as needed.

The planning activities of the division include: nonmotorized and carpool parking lot programs; modal planning support to passenger transportation services, highway delivery and highway development bureaus; marine, freight and rail planning studies; modal project implementation activities; MDOT liaison to tribal governments in Michigan; statewide policy initiatives; and special taskforces and studies.

Monitor

1. Work with MDOT and local units of governments to provide training on ADA requirements and specifications within the public right of way. This training is offered as a service to enhance planning and facility design for all pedestrians. It is not offered every year but is dependent on both interest and available funds. The ADA courses align with Intermodal Policy Division staff responsibility as the Pedestrian and Bicycle Coordinator for the department.

2. Monitor transportation-related legislation and policy development for effects on minority populations, tribal nations, low-income populations, persons with disabilities, all interested persons, and affected Title VI populations, as well as other considerations.

3. Record and track which carpool parking lots currently provide handicapped spaces using the Intermodal Management System. All new carpool lots, and lots that are resurfaced, are required to include at least two accessible handicapped spots, with appropriate signs and markings. This requirement is described in the MDOT Road Design Manual.

4. Provide training on bicycle or pedestrian facilities to both MDOT employees and local communities. Over the past several years, policy staff have made a concerted effort to offer this training to economically distressed communities that often do not have the resources to otherwise obtain this type of specialized training.

Annual Review
The following information in the Intermodal Policy Division will be reviewed and provided in an annual report submitted at the end of each fiscal year.

1. Issues identified through this analysis will be discussed at the highest level of the department before a recommendation is made or a department position is taken.

2. Maintain a relationship with the 12 federally recognized tribal governments in Michigan; monitor MDOT's actions for effects on tribes and coordinate with them to resolve any issues.

3. There is a yearly survey of all carpool lots, and any issues identified are delegated to the region office and area Transportation Service Center (TSC) for resolution.

4. An annual summary of ADA training, including locations and number of attendees, is provided upon request.

5. Lists of all bicycle/pedestrian and ADA training and communities served can be provided upon request.

2. Bureau of Finance and Administration

The Bureau of Finance and Administration's responsibilities include but are not limited to providing accounting, contracting, and administrative services to the department. The bureau houses an Accounting Service Center (ASC) for three other state departments. The State Budget Office delegated authority to MDOT to operate an ASC serving the Department of Agriculture and Rural Development (MDARD), Department of Natural Resources (DNR), and Department of Environment, Great Lakes, and Energy (EGLE). The bureau is comprised of three divisions: Financial Operations, Contract Services, and Accounting Services.

The Bureau of Finance and Administration has a primary responsibility of assuring that contracting procedures are executed in accordance with Title VI. The bureau will appoint a Title VI Interdisciplinary Team Coordinator to assist them with this responsibility.

a. Financial Operations Division

Financial Operations Division activities include distributing Michigan Transportation Fund revenues to counties, cities and villages; billing and collecting revenue from federal and local governments for project and grant related costs; maintaining general and project-related financial records for the department; operating a central warehouse and inventory stores systems; and coordinating computer security policies and procedures for the department. The Financial Operations Division assists management by providing financial data obtained through MDOT-wide recording of fiscal transactions.

b. Contract Services Division

The Contract Services Division manages the construction contractor prequalification, contract letting, and contract award processes; processing contractor and consultant payments; managing the consultant prequalification, selection, and award processes; and coordinating the purchases of various commodities and services. The Contract Services Division is responsible for ensuring fairness in the contracting process, ensuring that contracts are properly executed, and that
complaints involving delinquent payment are addressed promptly and appropriately. The division also ensures that contracts are awarded appropriate and in accordance with MDOT contract administration guidelines.

Monitor

1. Monitor federal-aid construction/consultant contracts and sub-contracts to ensure they contain Title VI assurances.

2. Ensure that the appropriate training special provisions are included in prime and sub-contractor contracts.

3. Assist in establishing the appropriate level of DBE participation on federal-aid highway construction projects.

4. Ensure that contracts are properly executed and that complaints involving delinquent payments are discussed with field staff.

5. Establish procedures to review and monitor contractors and sub-contractors for compliance with Title VI.

6. Review corrective plans prepared by contractors when areas of deficiency with regard to Title VI deficiencies are identified.

7. Report construction contract complaints with potential Title VI implications to the MDOT Title VI Coordinator immediately upon receipt.

Annual Review

The following information in the area Finance and Administration will be provided in an annual report to the MDOT Title VI Coordinator no later than Oct. 1 each year:

1. Number of construction contracts awarded and the dollar amount.

2. Number of contractors defaulting on contracts with DBE percentages.

3. Number of DBE contractors or sub-contractors defaulting on contracts.

4. Title VI complaints received during the reporting period.

5. Significant accomplishments and actions planned for the next fiscal year.

c. Accounting Service Center

The Accounting Services Division is responsible for processing payments to vendors and employees, billing and collecting revenues, and maintaining general ledger accounts records for four state departments: MDOT, MDARD, DNR, and EGLE.

No Title VI metric required as this function does not have a direct bearing on the public under Title VI.
3. Office of Aeronautics

The Office of Aeronautics (Aero) is responsible for administering aviation programs, airport development, and new programs to further develop aviation in Michigan. Aero provides assistance to communities and the state, including air service coordination and development, and air transportation services to state personnel.

Aero also regulates airport facilities and pilot safety. Each year, many of Michigan's airports are inspected for compliance with strict licensing requirements. Airport managers, flight schools and aircraft dealers also need to register annually with Aero. Aero is also involved in the publication of an aviation safety newsletter (via e-mail), aeronautical chart and directory, and conducts aviation safety programs statewide.

Aero is primarily responsible for assuring that aeronautics projects are executed in accordance with Title VI.

Aero will comply with the Title VI monitoring requirements of the Federal Aviation Administration (FAA). If Aero has projects selected for grant awards by the FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants and MDOT's Title VI Coordinator to assure compliance with FHWA's Title VI monitoring guidelines.

a. Airport Services Division

The Airport Services Division works with the FAA and local political subdivisions to provide a balanced, safe system of airports to enhance air transportation and the commerce of the state by implementing the State Airport System Plan. This includes preserving and maintaining the existing system and fostering expansion to meet capacity and user needs. The division administers the state airport development program, providing project management for the planning, programming, design, safety evaluation, and construction of airports throughout Michigan. The activities and services are prioritized to return to Michigan the maximum amount of federal dollars to meet airport needs.

The Airport Services Division is primarily responsible for assuring that aeronautics projects are executed in accordance with Title VI.

Monitor

1. Monitor FAA contracts and sub-contracts to ensure that they contain Title VI provisions.
2. (Aeronautics) Establish the appropriate level of DBE participation on FAA-funded construction projects.
3. Ensure equal opportunity exists for female and minority-owned firms.
4. Identify areas of concerns or barriers to successful participation by female and minority firms on construction projects.
Annual Review

1. Number of FAA-funded construction contracts and the dollar amount.

2. 

3. Number of DBE (minority and female-owned) firms utilized and the dollar amounts of the contracts.

4. Significant accomplishments and actions planned for the ensuing year;

5. Efforts made to increase female and minority participation in obtaining contracts.

6. Efforts made to increase participation of female and minority-owned consulting and construction firms in the selection process.

7. Report complaints to the MDOT Title VI Coordinator.

b. Aviation Services Division

The Aviation Services Division of the Office of Aeronautics carries out the responsibilities of the Michigan Aeronautics Commission as described in the Aeronautics Code of Michigan. These duties include office administration and management and support services, as well as Fiscal Coordination, the Air Service Program, the All Weather Airport Access Program, and the Air Transport Section.

Monitor

1. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance.

2. Report complaints with potential Title VI implications to the MDOT Title VI Coordinator immediately upon receipt.

3. Ensure the administrative policies and procedures are applied in a non-discriminatory manner.

4. Number of air traveler complaints that are based upon discrimination and forward these to the USDOT.

4. International Bridge Administration

The International Bridge Administration (IBA) is responsible for the operation and maintenance of the Sault Ste. Marie International Bridge that connects Sault Ste. Marie, Mich., to Sault Ste. Marie, Ontario, Canada. By virtue of an Intergovernmental Agreement signed by MDOT and the Canadian government, the IBA is responsible for the entire bridge, including the portion located in Ontario. The agreement established roles and responsibilities of the IBA, as well as the eight-person bi-national governing board that the IBA reports to on bridge matters. As a joint operation,
the IBA needs to achieve a balanced staff of one-half U.S. residents and one-half Canadian residents.

Monitor

1. Ensure the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a non-discriminatory manner.

Annual Review

1. Report of the proceedings, operation and financial condition of the Authority Board and the bridge to the Governor.

2. Independent financial audit report.


4. Number of complaints made by travelers via the bridge.

5. Number of public involvement meetings.

5. Office of Rail

The Office of Rail (OR) is responsible for assuring activities related to passenger rail, i.e., light rail, commuter rail, intercity rail, and high-speed rail, as well as the development and implementation of projects using alternative delivery methods, including public-private partnerships and design-build finance projects, are executed in accordance with Title VI. The OR anticipates receiving and administering funds from more than one USDOT agency.

Currently, the OR has projects selected for grant awards from the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA). These two federal agencies have Title VI guidelines and reporting requirements independent of FHWA Title VI guidelines and requirements. Therefore, the OR will be following the requirements of those federal agencies to assure compliance with Title VI for their respective programs. This office will take the lead on Title VI compliance and reporting for FRA programs for MDOT since the majority of FRA funds received by MDOT will be for passenger rail. (Freight Services and Safety Division are potential recipients of FRA grants, although they have not received any FRA grants in recent years.) The OR will provide any Title VI information required for FTA rail passenger grants to the Office of Passenger Transportation (OPT), as OPT administers the majority of FTA grants for MDOT.

In the future, if the OR has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT’s Title VI Coordinator, to assure compliance with FHWA’s Title VI guidelines and reporting requirements.

The OR will comply with the Title VI monitoring requirements of the FRA and FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT’s Title VI Coordinator, to assure compliance with FHWA’s Title VI monitoring guidelines.
The OR will comply with the Title VI review requirements of the FRA and FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT’s Title VI Coordinator, to assure compliance with FHWA’s Title VI annual review requirements.

6. Office of Passenger Transportation

The OPT Administrator is primarily responsible for assuring that all the public transportation programs managed by OPT are implemented in accordance with Title VI. These programs include public transit programs, the intercity service program, and the intercity capital program. Each program area will ensure federal funds are equitably distributed to the sub-recipients in accordance with Title VI and that all sub-recipients that receive federal funds through OPT comply with Title VI requirements.

The OPT Administrator has appointed a Title VI Coordinator, through the Transportation Services Section (TSS) Manager, to assist with this responsibility. The Title VI Coordinator works as a liaison between OPT and the MDOT Title VI Statewide Coordinator, as well as between OPT and the FTA Region V Civil Rights Specialist, for technical support related to Title VI requirements. The OPT Title VI Coordinator also works with OPT’s federal compliance review team coordinators in developing a Title VI compliance checklist, assists TSS management in sending out letters to sub-recipients that outline Title VI requirements, and developing samples for the Title VI Plan and LEP plans to facilitate the development of these plans, as well as provide to the sub-recipients FTA Circular 4702.1A, Title VI and Title VI-Dependent Guidelines for FTA Recipients, to enhance their understanding of the Title VI requirements, and will coordinate to address new requirements under the new circulars.

The OPT reports its Title VI activities on a triennial basis or, as requested, to the FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT’s Title VI Coordinator, to assure compliance with FHWA’s Title VI monitoring guidelines.

For more information on how OPT will adhere to FTA Title VI requirements, please see the MDCT FTA Title VI Non-discrimination Plan, which can be found on OPT’s website at www.Michigan.gov/TitleVI.

The OPT will comply with the Title VI monitoring requirements of the FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as Title VI Coordinator, to assure compliance with FHWA’s Title VI monitoring guidelines.

The OPT will comply with the Title VI review requirements of the FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT’s Title VI Coordinator, to assure compliance with FHWA’s Title VI annual review requirements.

VI. TITLE VI PLAN DISTRIBUTION

The MDOT Title VI Coordinator is responsible for ensuring that the FHWA-approved Title VI Plan is distributed and made available on the MDOT intranet and Internet. The Plan shall serve as the
basis for awareness training for MDOT compliance. The Plan shall be translated into languages other than English, including Spanish and Arabic.

Internal Distribution:

1. Bureaus, divisions, offices, regions, TSCs
2. Special emphasis areas
3. Interdisciplinary Team Coordinators
4. MDOT employees via website access or hard copies, as requested
5. Office of Human Resources, Civil Service Commission
6. Project managers
7. Contract selection teams

External Distribution:

1. Governor’s Office
2. Legislature
3. Michigan State Transportation Commissioners
4. FHWA Civil Rights Office
5. Sub-recipients of federal aid (cities, counties, universities, MPOs)
6. Available to the public via external website
7. Community groups and associations (Advocates for Persons with Disabilities, Hispanic League, Urban League, etc.)
8. Native American Tribal Organizations
9. Contractors and Consultants
10. Transportation Associations (MITA, AASHTO, etc.)
11. Federal and state civil rights agencies

Interested parties may access the Title VI plan at:
www.Michigan.gov/TitleVI.

VII. ACCOMPLISHMENTS REPORT

At the end of each fiscal year, the MDOT Title VI Coordinator will provide a compiled annual Title VI Assurance and Compliance Update to the FHWA based on all of the information gathered from all areas stipulated in the Title VI Plan. This report will highlight the accomplishments and changes made to the Title VI Program and will include reports provided by the Interdisciplinary Team Coordinators. The annual report will include Title VI complaints and reviews made during the fiscal year.

VIII. ANNUAL WORK PLAN

1. Review prior fiscal year accomplishment report to determine upcoming fiscal year’s objectives.
2. Determine the number of Title VI reviews to be conducted for the fiscal year.
3. Conduct Title VI reviews of sub-recipients pursuant to 23 CFR 200.9(b)(7).
4. Determine areas where training is needed.
5. Conduct training for project managers, local public agencies, contractors, DBEs, and government entities.

6. Investigate complaints as they arise.

7. Develop Title VI information for dissemination, and in other languages, where appropriate.

8. Meet with Interdisciplinary Team quarterly or as needed.

9. Provide information and updates to the Executive Leadership Team.

10. Attend Title VI training and updates.

11. Prepare annual fiscal year-based report by January of the following year.

12. Conduct an LEP assessment over the next two years. Note: The MDOT LEP Plan is under construction.

IX. COMPLAINT PROCEDURES


Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from MDOT or any sub-recipient, and s/he believes the discrimination is based on race, color, national origin.

Complaint Reporting

a. Any person who believes that he or she, individually or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with MDOT. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the MDOT Title VI Coordinator for review and action.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180-day period, she/he will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the MDOT Title VI Coordinator. If necessary, the MDOT Title VI Coordinator will assist the complainant in reducing the complaint to writing and submit the written version of the
complaint to the person for signature. The complaint shall then be handled in the usual manner.

c. Within 10 days, the MDOT Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the FHWA and the USDOT.

d. The MDOT Title VI Coordinator will gather the following information for complaint processing and investigation:

   i. Names, addresses, and phone numbers of the complainants
   ii. Names and addresses of alleged discriminating officials
   iii. Basis of complaint (i.e., race, color, national origin)
   iv. Date of alleged discriminatory act(s)
   v. Date of complaint received by the recipient
   vi. A statement of the complaint
   vii. Other agencies (state, local or federal) where the complaint has been filed
   viii. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint

e. Within 60 days, the MDOT Title VI Coordinator will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the head of the State Transportation Agency (STA). The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings.

f. Within 90 days of receipt of the complaint, the MDOT Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the USDOT, or the FHWA, if they are dissatisfied with the final decision rendered by the State.

MDOT Title VI Complaint Form 0112 and Title VI Complaint Procedure and Investigation Guideline Form 0113 are available in English and Spanish. Complainants shall complete and sign MDOT Complaint Consent/Release Form 0198 outlining disclosure of the complainant’s identity in accordance with state and federal law. These forms can be found in Appendix F or on the Internet.

Investigations

A complaint may be filed against the recipient, contractor, sub-contractor, consultant, or supplier for illegal discrimination under Title VI and related statutes.

Complaints against MDOT will be investigated by the FHWA, FTA, or another federal agency having jurisdiction. Complaints against a sub-recipient will be investigated by MDOT. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The MDOT Title VI Coordinator will gather relevant information in a fair and impartial manner and will submit the report to the appropriate federal agency. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. An MDOT Complaint Consent/Release Form 0198 shall be provided to all complainants.
The MDOT Title VI Coordinator, in conjunction with the appropriate area, will determine the appropriate course of action, and the MDOT Title VI Coordinator will prepare a Statement of Agency Decision reflecting the department's final determination. The complainant and appropriate areas shall receive written notifications of the department's decision. If the finding is adverse to the complainant, they will be advised of their avenues for appeal.

Copies of Title VI complaints and investigative reports will be forwarded to FHWA, FTA, or other federal agency having jurisdiction within 60 days of receipt and investigation of the complaint. Investigation files are confidential and will be maintained by the MDOT Title VI Coordinator. The contents of such files may be disclosed to MDOT personnel on a need-to-know basis and in accordance with state and federal law. Files will be retained in accordance with MDOT’s records retention schedule and federal guidelines.

**Retaliation**

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.
X. APPENDICES
i. MDOT's Title VI & Nondiscrimination Policy Statement

MDOT will implement compliance with Title VI 49 CFR § 21, 23 CFR Part 200; and related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subject to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or National origin.

MDOT's Title VI Non-Discrimination Notice and Policy; MDOT values each individual's civil rights and intends to provide equal opportunity and equitable services for the citizens of this state. As a recipient of federal funds, MDOT Conforms to Title VI of the Civil Rights Act of 1964 and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from MDOT on the grounds race, color, or national origin. MDOT further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of MDOT to comply with the following laws and E.O.s:

<table>
<thead>
<tr>
<th>Common Name of Legislation</th>
<th>Citation to Law</th>
</tr>
</thead>
</table>

Whenever MDOT distributes federal-aid funds to second tier subrecipient, MDOT will include Title VI language in all written agreements.

The following individual has been identified as MDOT's Title VI Coordinator and is delegated the authority necessary to maintain responsibility for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 21 and is specifically designated as MDOT's responsible individual to coordinate, maintain, and report MDOT's Title VI compliance efforts to the Federal Highway Administration (FHWA) as well as to coordinate compliance efforts with other federal agencies as required:

Orlando T. Curry, MSA
Van Wagoner Building
425 W. Ottawa Street
Lansing, MI 48909
(517) 241-7462
curryo@michigan.gov

MDOT affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein

[Signature]
Paul C. Ajegba, P.E. Director
Michigan Department of Transportation

10/28/19 Date
ii. Appendix A [To be inserted in all federal-aid contracts]

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 (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

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 FHWA 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 FHWA, 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA 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 FHWA 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
iii. 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 Michigan Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with State of Michigan, the Regulations for the Administration of State Transportation Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Michigan 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 Michigan 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 Michigan Department of Transportation, its successors and assigns.

The Michigan 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 Michigan 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 Non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]."

("Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)
iv. Appendix C [Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program]

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan 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 in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

v. 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 Michigan 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 Non-discrimination covenants, Michigan 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, Michigan Department of Transportation will thereupon revert to and vest in and become the absolute property of Michigan 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.)

vi. Appendix E [Regulatory Authorities]

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:**

- 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);
- 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 USC § 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 C.F.R. 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 12398, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination 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).

vii. Appendix F [Prohibition of Discrimination in State Contracts]

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual’s ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual’s ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual’s ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each sub-contractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commissioner to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every sub-contract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all sub-contracts and purchase orders will also state that said provisions will be binding upon each sub-contractor or supplier.

Revised June 2011
Appendix G [Forms]
**TITLE VI – COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that, "No person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal financial assistance."

This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance with completing this form, please contact us by phone at (517) 373-0980 or via FAX (517) 335-9641 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

Only the complainant or the complainant’s designated representative should complete this form.

<table>
<thead>
<tr>
<th>NAME</th>
<th>STREET ADDRESS</th>
<th>CITY</th>
<th>ZIP CODE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>HOME TELEPHONE</th>
<th>WORK TELEPHONE</th>
<th>FAX</th>
</tr>
</thead>
</table>

**Individual(s) discriminated against, if different from above (use additional page(s) if necessary):**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STREET ADDRESS</th>
<th>CITY</th>
<th>ZIP CODE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>HOME TELEPHONE NO.</th>
<th>WORK TELEPHONE NO.</th>
<th>FAX NO.</th>
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</table>

PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE

Name of Agency and department or program that discriminated:

**AGENCY AND DEPARTMENT NAME**

NAME OF INDIVIDUAL (If known)

**STREET ADDRESS**

<table>
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<tr>
<th>CITY</th>
<th>ZIP CODE</th>
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<th>TELEPHONE NO.</th>
<th>FAX NO.</th>
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**Date(s) of alleged discrimination:**

DATE DISCRIMINATION BEGAN | LAST OR MOST RECENT DATE OF DISCRIMINATION
Alleged discrimination:

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the basis on which you believe those discriminatory actions were taken. (Check all that apply)

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled Race or Color and write African American in the space provided.

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled sex and write female in the space provided.

☐ Race: __________________ ____________ ☐ Sex: __________________ ____________ ☐ Disability: __________________ ____________
☐ Color: __________________ ____________ ☐ Religion: __________________ ____________ ☐ Income: __________________ ____________
☐ National origin: __________________ ____________ ☐ Age: __________________ ____________ ☐ Retaliation: __________________ ____________

Explain:

Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written materials pertaining to your case.)

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

SIGNATURE ____________________________ DATE ____________________________

Note: The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

MDOT Title VI Coordinator
Michigan Department of Transportation
425 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-0488
Fax: 517-335-0489
Email: MDOT-TitleVI@michigan.gov
Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:

   (a) 180 days after the date of the alleged act of discrimination, or

   (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

   A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant’s designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant’s right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

   Title VI Coordinator
   Michigan Department of Transportation
   425 W. Ottawa Street
   Lansing, MI 48933
   517-241-7462
   MDOT-TitleVI@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT Title VI Coordinator. If necessary the MDOT Title VI Coordinator will assist the complainant in reducing his/her complaint to writing and obtain the complainant’s signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

   - An anonymous complaint that is too vague to obtain required information.
   - Inquiries seeking advice or information.
   - Courtesy copies of court pleadings.
   - Courtesy copies of complaints addressed to other local, State, or Federal agencies.
   - Newspaper articles.
   - Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT Title VI Coordinator or another individual designated by department.

5. Within 10 days the MDOT Title VI Coordinator will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT Title VI Coordinator will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tapes, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT Title VI Coordinator and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT Title VI Coordinator will retain a copy of all documents on file.

2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If, the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

   For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of:
   - Public hearing procedures, including participation therein.
   - The location, design, and access to a structure or facility constructed with federal financial assistance.
   - Real estate and relocation activity.

   In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.
3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT Title VI Coordinator. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.

4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.
Form #0179 – Title VI Sub-Recipient Annual Certification Form

TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM

This form is to certify compliance with Title VI of the Civil Rights Act of 1964. If your Title VI Plan has been approved by the Michigan Department of Transportation (MDOT), all changes to the organization’s Title VI Plan which occurred during the current fiscal year (October 1st through September 30th) must be reported on this form. Please attach additional pages, as necessary, to provide a complete response to each question.

NAME OF ORGANIZATION

NAME OF TITLE VI COORDINATOR

TITLE

ADDRESS

CITY

COUNTY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

E-MAIL ADDRESS

1. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator/EEO Officer.

2. Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to and involvement in the development process?

3. What is the number or percentage of LEP or EJ populations who were affected by the project?

4. How many public involvement meetings did you hold during the reporting period?

5. Did you provide language assistance at any of your public meetings during the reporting period? How many persons received this assistance?

6. Did you provide reasonable accommodation to persons with disabilities during the reporting period? How many?

7. Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please provide details regarding each complaint or law suit and the resolution.

8. How many contracts did you enter into with Disadvantaged Business Enterprises during the reporting period? If none, what did you do to encourage participation by DBEs?

9. During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?

10. Please provide any comments or additional information related to the organization’s Title VI Plan.

The information reported on this form is accurate and reflects all changes to the organization’s Title VI Plan for the current fiscal year.

NAME

TITLE

DATE

If you have any questions regarding Title VI, contact: MDOT Title VI Coordinator (517) 241-7462, or MDOT-TitleVI@michigan.gov. PLEASE RETURN COMPLETED FORM VIA EMAIL, OR FAX TO: (517) 335-6345.

PLEASE SUBMIT THIS FORM BY OCTOBER 5TH OF THE REPORTING YEAR.
Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Michigan Department of Transportation (MDOT). As a complainant, I understand that in the course of an investigation it may become necessary for MDOT to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of MDOT to honor requests under the Freedom of Information Act. I understand that it may be necessary for MDOT to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by federal regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by Federal Highway Administration (FHWA).

CONSENT/RELEASE

☐ CONSENT – I have read and understand the above information and authorize MDOT to reveal my identity to persons at the organization or institution under investigation. I authorize MDOT to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

☐ CONSENT DENIED – I have read and understand the above information and do not want MDOT to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand that this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE

DATE
Sub-Recipient Title VI Non-Discrimination Compliance Review Document

Code of Federal Regulations (CFR) 23 part 200.7 requires the Michigan Department of Transportation (MDOT) conduct periodic reviews of sub-recipients of federal highway funds to ensure they are complying with Title VI of the Civil Rights Act of 1964, and related statutes. Title VI states that "No person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal financial assistance." As recipients of federal funds, sub-recipients are also expected to comply with statutes, executive orders, and regulations related to Title VI.

This tool will assess your Title VI Program compliance and assist MDOT in planning for future training and technical assistance. The assessment will also help determine if an on-site review is warranted; and if so, deficiencies arising out of the on-site review must be corrected within 90 days of the official Compliance Review. You are required to respond to the following questions no later than [date].

Questions or concerns regarding this assessment may contact Orlando T. Curry, MDOT Title VI Coordinator at 517-241-7462, e-mail to MDOT-TitleVI@Michigan.gov, or fax to 517-335-0945.

Baseline Assessment Questionnaire

1. Who is the Title VI contact person for your agency? Does this person accept complaints from the public? If not, who does? Please include title, e-mail and telephone number for each person listed.

2. In the past three years, has your agency been named in a discrimination complaint or lawsuit? If so, when and what was the nature of the complaint or lawsuit and the outcome?

3. Does your agency have a written discrimination complaint process? If so, please provide a copy as an attachment.

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4. Has the public been made aware by your agency of the right to file a complaint? If so, by what mechanism? Provide as an attachment.

5. Does your agency provide free translation services for person with limited English proficiency (LEP)? Explain.

6. In the past 12 months, what has your agency done to receive and consider input from all citizen groups, especially minority, low income, disabled and transit-dependent? Provide attachment, if applicable.

7. Does your agency have a method to collect racial and ethnic data on citizens impacted by your projects? If so, please describe.

8. Has your agency provided written Title VI Assurance to MDOT? Please attached a copy.

9. Does your agency include the required DBE assurance language at 49 CFR 26.13 (a) and (b) verbatim in all financial agreements, contracts and subcontracts?

(please see DBE assurance language below)
§ 25.13 What assurances must recipients and contractors make?

(a) Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for in part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

(b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

10. Does your agency physically include the Civil Rights Special Provisions (FHWA-1273) in all contracts and ensure they are included in all sub-contracts, including the third tier?

11. Name on your Agency:

12. Number of full-time and part-time employees:
13. Have current employees been trained on Title VI? If yes, how are current employees trained on Title VI?

14. Is your Title VI Plan and complaint form readily accessible on the home page of your public website?

15. Do you have any questions regarding this assessment or Title VI? Please include them here along with your e-mail address or phone number and an MDOT representative will respond.

16. Would your agency like Title VI training or other civil rights technical assistance from MDOT? If yes, please explain. Does your agency have teleconferencing ability?

17. Please provide the name, title and contact information of the person who completed this baseline assessment.

18. Please list each attachment provided with the assessment.

Thank you!