



**FY 2025**

**TITLE VI/Nondiscrimination Plan**

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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, elderly, persons with disabilities, and those who traverse our state. MDOT recognizes its responsibility to provide fairness and equity in all its programs, services, and activities, and that it must abide by and enforce federal, and state civil rights legislation related to transportation.

As a recipient of federal financial assistance from the Federal Highway Administration (FHWA), MDOT is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

Title VI served as the model for subsequent nondiscrimination laws, including the Federal-Aid Highway Act of 1973 (gender), Section 504 of the Rehabilitation Act of 1973 (disability), and Age Discrimination Act of 1975 (age). MDOT's nondiscrimination policy statement includes these protected classes to ensure that no person be subjected to any form of discrimination in our services, programs, or activities. ([Exhibit 1](#))

The U.S. Department of Justice (DOJ), as the federal government's coordinating agency for Title VI, implemented its Title VI program in 28 Code of Federal (C.F.R.) Part 42 and issued guidance in two main documents: the Title VI Legal Manual and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs federal agencies to enact “rules, regulations, or orders of general applicability” to achieve the statute's objectives. The U.S. Department of Transportation (DOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA's implementing regulations can be found in 23 C.F.R. Part 200.

### **Discrimination Under Title VI**

All MDOT employees have the responsibility to prevent, minimize, and eradicate any form of discrimination. There are two types of illegal discrimination prohibited under Title VI and its related statutes:

- (1) Disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination).
- (2) Disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination include but may not be limited to:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or way a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships, would defeat or impair the accomplishment of effective nondiscrimination; and/or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

MDOT's efforts to prevent such discrimination must address but not be limited to how a program or activity impacts the public; provides accessibility; provides equal access to benefits; encourages participation; provides services equitably; initiates contracting and training opportunities; investigates complaints; allocates funding; and prioritizes projects.

The nondiscrimination evaluation criterion applies to all offices within MDOT. In addition, MDOT as a state agency administering programs that receive federal financial assistance must establish a Title VI compliance program for all subrecipients that obtain federal assistance through it.

## **Authorities**

The authorities applicable to MDOT's Title VI/Nondiscrimination Program include:

**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 CFR Part 21** (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation);

- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and
- **Michigan’s Elliott-Larson Civil Rights Act** (prohibits discrimination as applied to race, color, national origin).

The following executive orders place further emphasis on preventing discrimination based on race and national origin:

**Executive Order 12898**, 3 CFR 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”  
[2020-2023 Public Participation Plan \(Michigan.gov\)](#)

**Executive Order 13166**, 3 CFR 289 (2001), entitled “Improving Access to Services for Persons with Limited English Proficiency.”  
[Microsoft Word - MDOT LEP Plan 2021 \(Michigan.gov\)](#)

## **II. STANDARD DOT ASSURANCE and NONDISCRIMINATION POLICY STATEMENT**

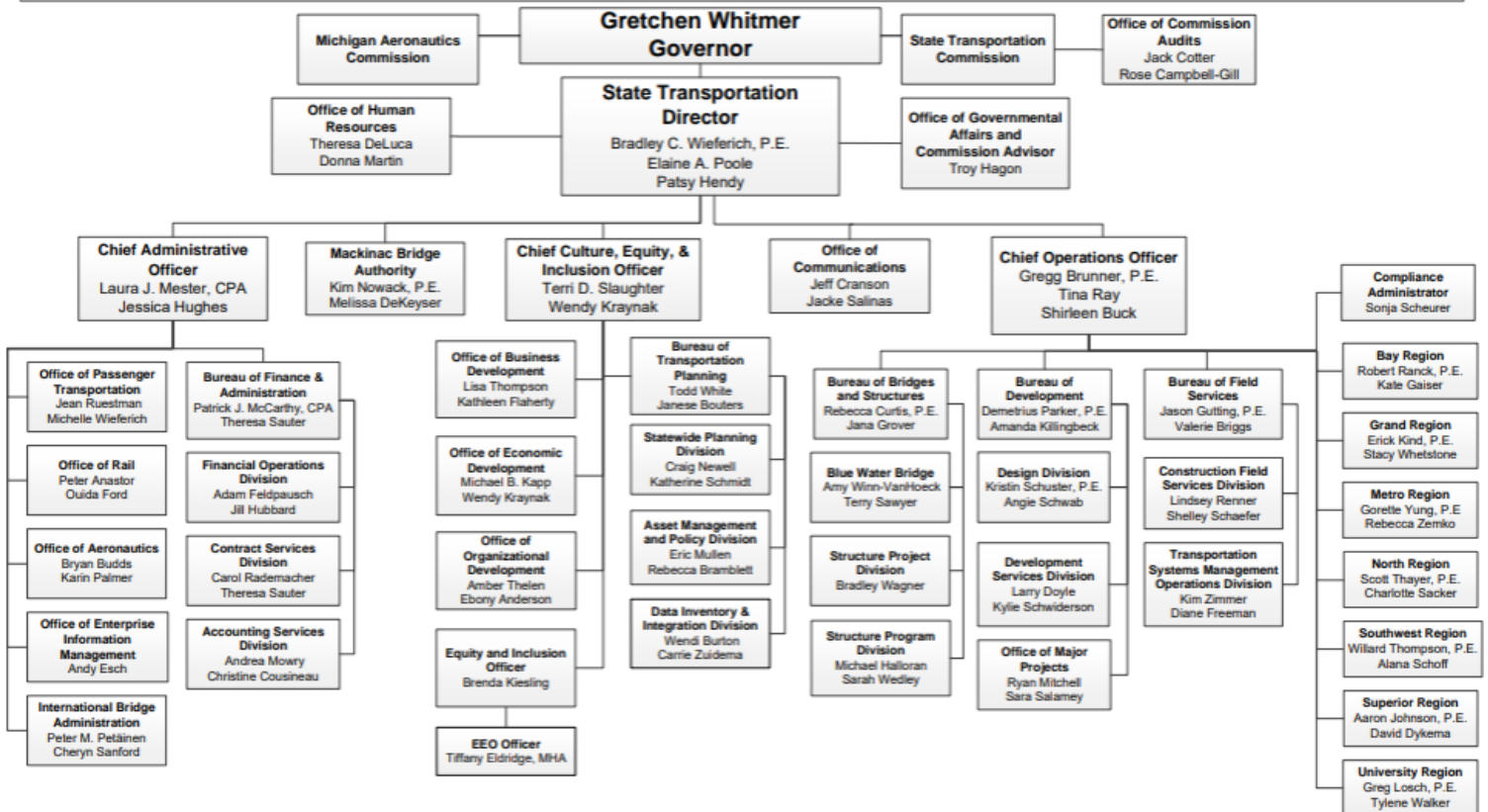
In accordance with USDOT Order 1050.2A, MDOT’s Title VI nondiscrimination assurances signed by the executive are included as [Exhibit 1](#).

The Title VI assurances are submitted to the FHWA annually or when MDOT appoints a new executive director during the federal fiscal year.

# MDOT Organizational Chart

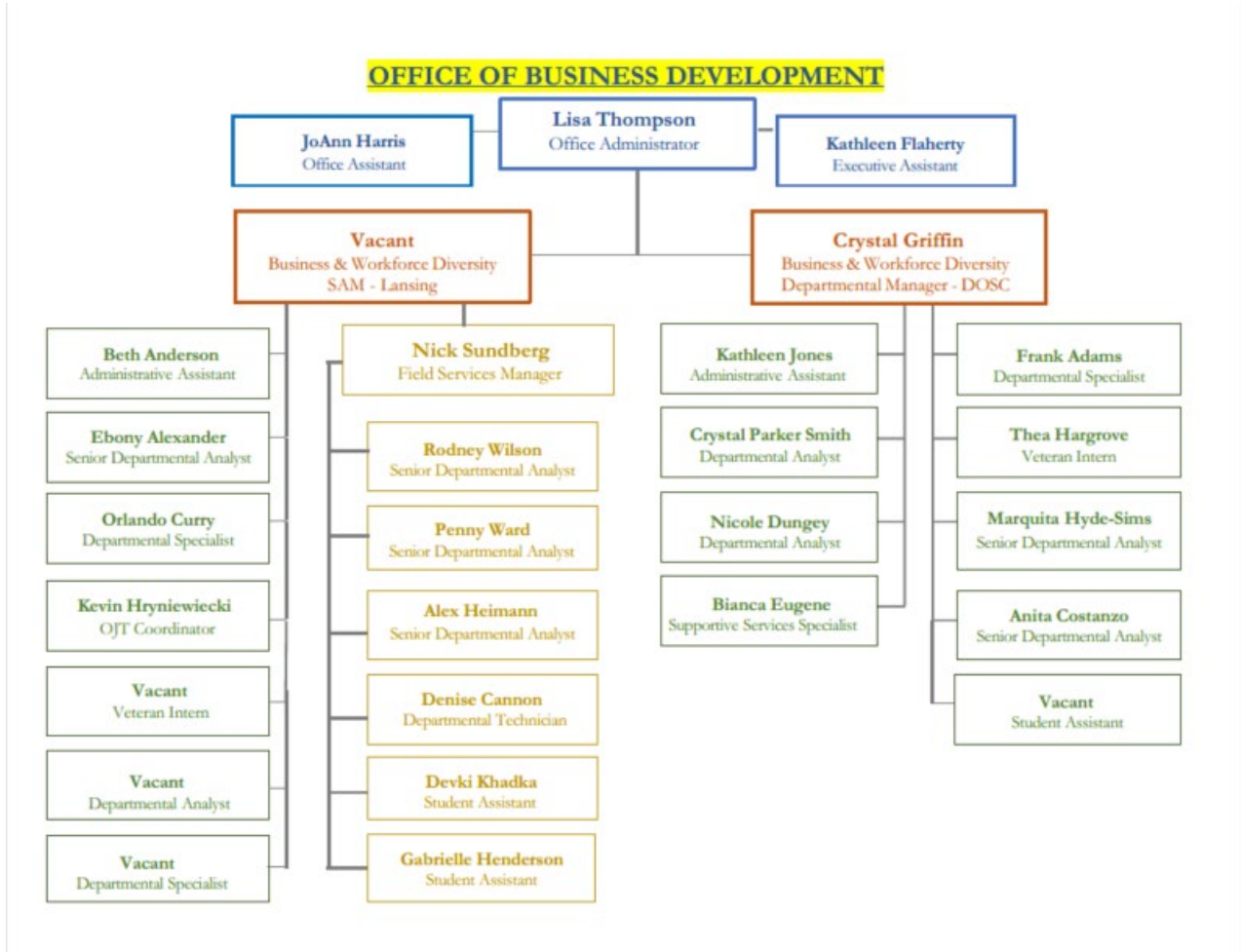
## Michigan Department of Transportation

July 9, 2024



# OBD Organizational Chart

## OFFICE OF BUSINESS DEVELOPMENT





### III. ORGANIZATION AND STAFFING

MDOT's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities of the chief culture, equity, and inclusion officer (CCEIO) located in Lansing, Michigan. The Lansing location serves as the central resource for MDOT regions, divisions, and the public.

#### **Organization**

In accordance with 23 CFR 200.9(b)(1), MDOT has appointed a Title VI/Nondiscrimination Program administrator and statewide Title VI/Nondiscrimination Program coordinator (hereinafter referred to as the Title VI coordinator.) With support from MDOT Executive Office, the Title VI coordinator is responsible for all operational aspects of MDOT's Title VI/Nondiscrimination Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position. The letter signed by MDOT's director designating Lisa S. Thompson as Title VI/Nondiscrimination Program administrator and Orlando T. Curry, MSA, as the statewide Title VI/Nondiscrimination Program coordinator is included as [Exhibit 3](#).

#### **Staffing**

The Title VI coordinator is responsible for MDOT's Title VI/Nondiscrimination Program operations. The Title VI coordinator reports to the Title VI administrator, who has direct access to MDOT's director at any time.

#### Title VI Administrator

The Title VI administrator reports to the CCEIO and works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for overall Title VI program implementation. Specifically, this person has the authority and responsibility to implement the Title VI program by:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI;
- Providing leadership, guidance, and technical assistance to program areas having significant impacts on the public and businesses, which are referred to as federal program areas, in carrying out their Title VI responsibilities;
- Reviewing, evaluating, and monitoring the federal program areas activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness;
- Ensuring that all complaints of discrimination or complaints alleging non-compliance

- with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations; and
- Advising the Executive Office concerning significant developments in the implementation of MDOT's Title VI/Nondiscrimination Program.

### Title VI Coordinator

The Title VI coordinator reports to the Title VI administrator. The Title VI coordinator is responsible for all operational aspects of MDOT's Title VI/Nondiscrimination Program:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI.
- Providing technical assistance and guidance to MDOT personnel.
- Providing technical assistance and guidance to subrecipients.
- Evaluating MDOT projects and programs for compliance with Title VI and other nondiscrimination statutes.
- Work in partnership with MDOT division and region personnel to address and review Title VI concerns at a project development level.
- Conducting Title VI compliance reviews of internal program areas, local governments (LGs) and other subrecipients.
- Developing Title VI training materials, conducting training and workshops, and providing resource information on the MDOT website.
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English.
- Processing Title VI external complaints of discrimination in accordance with the FHWA External Complaint Processing Procedures and internal MDOT procedures.
- Compiling and submitting all regulatory-required program data and reports to FHWA.
- Coordinating and preparing the annual Title VI Accomplishment Report.
- Coordinating and preparing the Title VI Implementation Plan.

## **Interdisciplinary Approach**

It is essential that a collaborative relationship be maintained between the Title VI coordinator and MDOT's bureaus, regions, and divisions. Therefore, MDOT utilizes an interdisciplinary approach and established the Interdisciplinary Team. The Interdisciplinary Team provides organizational knowledge of their respective area disciplines while the Title VI administrator and Title VI coordinator provides a practical application of Title VI nondiscrimination regulations and practicalities.

MDOT's Title VI Interdisciplinary Team is comprised of the Title VI administrator, Title VI coordinator, representatives from MDOT's bureaus, regions, divisions, and subject matter experts selected for the current fiscal year Title VI program review. The program areas that have permanent team members include Construction, Design, Environmental, Maintenance, Planning, Public Involvement, Contracts, Public Transportation, and Right of Way. Other divisions may be identified and integrated into the team during development of the Goals and Accomplishments Report the following year. The selected divisions are invited to participate in the team discussion during that review cycle.

By the nature of their operations, divisions, regions, or bureaus have direct contact with the public and provide a more comprehensive perspective for how the Title VI Program is functioning. All Interdisciplinary Team members meet semi-annually to discuss the program. Additionally, the team works with the Title VI coordinator annually to review accomplishment reporting and audit criteria from the previous year. The focus is to maintain relevant questions that provide consistent information with the upcoming fiscal year's Title VI/Nondiscrimination Plan. The divisions, regions, and bureau Interdisciplinary Team members support the Title VI coordinator with Title VI compliance by:

- Communicating and coordinating with the Title VI coordinator in activities impacted by Title VI.
- Providing in-depth knowledge of MDOT programs and activities to the Title VI coordinator.
- Discussing the relationship between respective area operations and the Title VI Program.
- Providing technical assistance to divisions, bureaus, regions, and local agency personnel.
- Assisting the Title VI coordinator in collecting data from divisions, bureaus, and regions completing program reviews.
- Self-monitoring and implementation of corrective actions within its respective program area for Title VI compliance.

- Documenting completed and ongoing Title VI activities identified in the plan for tracking purposes.
- Providing the requested information to annually prepare the Title VI/Nondiscrimination Plan and Title VI/Nondiscrimination Plan and Accomplishment Report.
- Referring Title VI allegations and complaints to the Title VI coordinator for further investigation.
- Ensuring the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including minority and low-income populations.
- Identifying eligible Limited English Proficient (LEP) populations and the dissemination of agency information, where appropriate, in languages other than English.

Interdisciplinary Team members are required to:

- Attend semi-annual meetings with Title VI coordinator.
- Participate in Title VI training.
- Assist Title VI coordinator in Title VI program review surveys and activities.
- Promote awareness of MDOT's Title VI Program.
- Monitor and assist in implementing any corrective actions necessary for Title VI compliance.
- Assist Title VI coordinator in LEP data collection.
- Refer Title VI complaints and allegations to Title VI coordinator.
- Serve as designated contact for Title VI.
- Disseminate Title VI information to the public, and where appropriate, in languages other than English.

## **INTERDISCIPLINARY TEAM MEMBERS** ([Team Member List](#))

### **IV. 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 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.

### **V. PROGRAM AREA AND PROJECT MONITORING FOR INTERNAL REVIEW PROCESSES**

As part of the Title VI internal monitoring program, the Title VI coordinator works with program areas to perform reviews on specific departmental policies and processes that involve the public.

Each program area is responsible for the following:

- Identifying processes that impact the public.
- Scheduling reviews to cover all the identified processes annually.
- Interdisciplinary Team assists the Title VI coordinator in performing personnel interviews with program area specialist.
- Submit an analysis report to the Title VI coordinator.

#### Program Review Procedures

Internal Title VI reviews are performed annually in the form of a Title VI questionnaire. MDOT's program area(s) and appointed Interdisciplinary Team member(s) from the respective area(s) are notified of the review from the Title VI coordinator. The internal review request from Title VI coordinator includes a questionnaire (listed in this plan's respective area's description) tailored with general and program-specific questions that focus on gathering information about the implementation of Title VI/Nondiscrimination Plan requirements. Once the questionnaire is completed, the information will be summarized and provided to FHWA in the Accomplishment Report.

Process for implementing the desk audit and completing the review:

- Program areas identified in the Title VI/Nondiscrimination Plan will be evaluated annually.

- Three program areas per year will be selected based on a five-year rotation unless a Title VI complaint requires additional information gathered.
- The Title VI coordinator will review each questionnaire response (audit not limited to just questionnaire) and analyze the data to determine if any discriminatory trends exist. In the event Title VI deficiencies are identified, the Title VI coordinator will submit a corrective report and work closely with that program area, division, or bureau, to resolve the issue.
- The Title VI coordinator will submit questions/issues to the Interdisciplinary Team member. Where an issue requires corrective action, the Title VI coordinator will work with the program area, division, or bureau to schedule and complete the corrective actions.
- The Title VI coordinator will prioritize, plan, and complete extended audits for programs areas, division, or bureaus, where:
  - There have been Title VI complaint(s) regarding a MDOT process or procedure.
  - FHWA recommends an audit.
  - There are issues with Title VI data collection.
  - Desk audit responses are incomplete.
  - Operation manuals in a program area need to be updated.
  - Title VI issues are identified in an operation manual with corrective action procedures.
  - Deficiencies concerning minority or LEP populations exist in the public participation process.

## Findings

The findings will be used to determine what areas Title VI coordinator may need to provide additional technical assistance and identify strategic goals for the next federal fiscal year. The results of the reviews will be noted in the Title VI/Nondiscrimination Implementation Plan and Accomplishment Report. If a program area or bureau, region, division, or office does not respond to the desk audit or extended audit, the issue will be escalated to MDOT's director.

## Follow-up Monitoring

The Title VI coordinator will determine if additional monitoring and training are needed to ensure ongoing compliance with Title VI requirements. If action items identified are not completed, then follow-up monitoring will document the non-compliance and the CCEIO will be notified.

## **Program Areas:**

### **A. OFFICE OF THE DIRECTOR**

The MDOT director reports to the governor of the State of Michigan. The director, in conjunction with the CCEIO, 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 administrator and MDOT Title VI coordinator, 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.

#### Title VI Questionnaire

1. Have the administrative policies and procedures for monitoring the operation and maintenance of the bridge been applied in a nondiscriminatory manner. How?
2. Have the customers and stakeholders been treated fairly and equitably by MBA personnel in performance of their duties. How is this assured?

#### Annual Review

1. Number of Title VI 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.

#### Title VI Questionnaire

1. Was any legislation having potential Title VI impact brought to the attention of the MDOT director. If so, what legislation(s)?
2. Were there collaborations with the budget office relative to the appropriations process?
3. Were there any meetings with regions to resolve legislative complaints 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 nondiscrimination.

### 3. Office of Communications

The Office of Communications (OOC) represents MDOT's interests to the public and the media. 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.

#### Questionnaire

1. Have all communications been produced in an appropriate reading level that the public can comprehend? How?
2. Has the documentation submitted to OOC for review assured Title VI nondiscriminatory provisions were considered and addressed?

#### Annual Review

1. How many Title VI complaints have been received by OOC?



## **B. CHIEF CULTURE, EQUITY, AND INCLUSION OFFICER**

The CCEIO will directly oversee the areas of the Bureau of Transportation Planning, Statewide Planning, Asset Management and Policy Division, Data Inventory and Integration Division, Equity and Inclusion Officer, Equal Employment Opportunity, the Office of Organizational Development, the Office of Business Development, and the Office of Economic Development.

The CCEIO position guides the department so that it makes meaningful progress in an intentional, strategic, and positive direction. MDOT as an organization cannot perform at its best unless every employee is given the tools, opportunities, and platform to perform at their best. Listening to and valuing feedback from everyone and embracing the unique perspectives and perceptions that we all bring to the table is what will allow us to reach our full potential.

### **1. Office of Business Development**

The Office of Business Development (OBD) is responsible for the Disadvantaged Business Enterprise (DBE) program, Small Business Program, Equal Opportunity (EO) contractor compliance, On-the-Job Training (OJT) Program, the Title VI Program, and external American with Disabilities Act compliance. OBD reports to the CCEIO and is home to the Title VI coordinator and administrator.

#### Title VI Questionnaire

1. Are administrative policies and procedures for monitoring the operation of programs applied in a nondiscriminatory manner? How?
2. Have participants and stakeholders been treated fairly and equitably by OBD personnel in performance of their duties? How is this assured?
3. Measurement of Supportive Services
  - a. Are outreach efforts considering LEP persons? How?
  - b. Have outreach efforts been inclusive to all Title VI populations? How is this assured?
  - c. How many outreaches were conducted throughout the fiscal year? Were all Title VI populations considered? How was this assured?
  - d. Were all DBE OJT reimbursements inclusive to all Title VI populations? How was this assured?
  - e. Do supportive services act inclusively with Title VI populations in vendor selections? How is this assured?

## Annual Review

1. Number of DBE certification reviews, approvals, and denials by ethnicity of applicants.
2. Complaints received by complaint type; i.e., ethnicity, and disposition.
3. Number of ethnicities of DBE firms receiving contracts in the fiscal year and the dollar amount.
4. Number of ethnicities of OJTs placed/working in the fiscal year.
5. Number of contractors found to be in non-compliance with Title VI requirements.

## **2. Bureau of Transportation Planning**

The Bureau of Transportation Planning's (BTP) role is to develop and implement a comprehensive transportation planning process that results in investments that are consistent with the financial, social, and economic policies of the State Transportation Commission. Major responsibilities include strategic planning and policy development, multimodal planning, program management, maintaining federal aid eligibility, stewardship, planning for access and mobility, economic development, strategic information technology and tools, asset management, and operations-oriented process support. The elements to be monitored include the following:

### **2.1 Statewide Transportation Planning**

#### Title VI Questionnaire

1. Has the department ensured Title VI compliance by using demographic information from census data, GIS analysis, public input, and public outreach; identified marginalized populations, low-income populations, the elderly, people with disabilities, all interested persons, and affected Title VI populations; and examined distributions of the benefits/burdens of the transportation plans and activities of these groups? What were the outcomes?
2. Has the department ensured all population groups are adequately informed of planning activities to participate in the transportation planning process? How?
3. Has meaningful access for citizens who are of LEP been provided? How?
4. Have Title VI requirements been incorporated into all contracts and grants? Have procedures been established to enforce compliance with Title VI?

5. Did the department coordinate and participate in partnership with the statewide Title VI coordinator?
6. Did the area assure Title VI compliance of various MPOs' planning activities?
7. Have measures been developed that ensure compliance in the event of a noncompliance finding? Are these measures developed in conjunction with the Title VI coordinator or MPO?
8. Did the department collect, maintain, and analyze data on race, national origin, and income level to adequately assess impacts and mitigation options?

### 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 marginalizes populations, low-income populations, the elderly, people with disabilities, all interested persons, and affected Title VI populations in the public outreach effort and - data and demographic information used to communicate with groups.
2. Methods to ensure that issues/concerns raised by marginalized populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are considered in the decision-making process, including in the development of the Five-Year Transportation Program, State Long-Range Transportation Plan (SLRTP), State Transportation Improvement Plan (TIP), and other statewide plans (like corridor plans).
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 marginalized 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 TIPs.
5. Title VI complaints received regarding the transportation planning or public involvement process.

## **2.2 Asset Management and Policy Division**

The Asset Management and Policy 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 BTP was reorganized, giving responsibility to the Asset Management and Policy Division (AMPD) and the Data Inventory and Integration Division (DIID) to ensure compliance with the following Title VI requirements.

The Asset Management and Policy Division administrator (TAMC) 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 Asset Management and 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 Asset Management and Policy Division provides professional and technical assistance to the TAMC and coordinates MDOT's asset management efforts.

The planning activities of the division include: nonmotorized 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.

### Title VI Questionnaire

1. Did the department 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? How?

### Annual Review

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

1. Title VI 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. Review of all bicycle/pedestrian and Americans with Disabilities Act (ADA) training and communities served for Title VI compliance.

### **2.3 Data Inventory and Integration Division**

The DIID collects, maintains, and reports a variety of asset condition and performance data used extensively by the department and local agencies. The division implements programs that support the department's management of highway operations and conditions and meets the reporting requirements of the FHWA's Highway Performance Monitoring System (HPMS) on all federal-aid roads, as well as the submittal of certified public miles in compliance with United States Code Law and All Road Network of Lidar Data (ARNOLD) (GIS).

#### Title VI Responsibilities

1. When providing ongoing statewide and specialized traffic monitoring services, has DIID ensured contracts awarded for MDOT follow Title VI provisions as implemented by MDOT? How?
2. Has DIID administered 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? How?
3. Has DIID ensured that, while providing support to MDOT's strategic planning asset management programs, they meet Title VI provisions? How?
4. Has DIID and TAMC ensured that the bureau's training program is nondiscriminatory in coordination, content, and implementation? How?
5. Has DIID administered federal Highway Performance Monitoring System reporting in a nondiscriminatory manner? How was this assured?

#### 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.

### 3. Equity and Inclusion Officer

The EIO serves as a state assistant administrator to the chief culture, equity, and inclusion director. The EIO is responsible for developing and administering the equity and inclusion program for the department.

The EIO works with the Leadership Team to assure compliance with Executive Directive 2019-09 and Executive Directive 2019-10. Per the Executive Directive, Article 5, § 8 of the Michigan Constitution of 1963 states that the state agency shall designate an individual within the department or agency as an equity and inclusion officer.

The EIO works with all MDOT bureaus, departments, and offices to:

- Minimize processes and policies that inadvertently create barriers to inclusivity.
- Strengthen internal procedures to encourage more direct conversations about non-inclusive behaviors.
- Increase the attention of both management and staff to diversity, equity, and inclusion (DEI).
- Integrate the principles of diversity, equity, and inclusion into all MDOT programs, initiatives, and strategy.

DEI is an enabler and key metric that influences a culture of community empathy, innovation, collaboration, critical thinking (in place of bias) agility, and continuous learning.

In pursuit to achieve DEI and assure Title VI regulations are observed, the EIO reviews data collected and analyzed by various areas within MDOT and outside the state agency. The EIO then recommends processes, procedures, and encourages equitable, inclusive, and nondiscriminatory practices. No Title VI metric is required as this function does not have a direct bearing on the public under Title VI.

Data reviewed by the EIO includes but is limited to:

#### **Workforce**

- Ethnic and racial diversity at the company level
- Gender diversity and inclusion at the workforce level
- Gender/ethnic diversity in leadership/management positions
- Knowledge and skill diversity
- Equality, social justice, and nondiscrimination policy statement

### **Services, programs, and activities rendered to the public**

- Public involvement data (examples include demographics, geographic makeup of involvement efforts).
- Statewide planning (examples include demographics, geographic makeup of projects planned and funding allocation).
- Environmental (examples include demographics, geographic makeup of efforts service, programs, and activities provided by MDOT).

### **Sources outside of MDOT**

- U.S. Census Bureau

## **4. Office of Organizational Development**

The Office of Organizational Development (OOD) provides support and expertise on a department-wide basis through the delivery of diverse specialized services, including recruitment and workforce program coordination, process improvements, facilitation and partnering, strategic planning and team building, a talent review process, educational support, employee development, employee engagement, and employee acknowledgement.

OOD is comprised of two sections: 1) Organizational Development Section and 2) Workforce Programs and Recruitment Unit.

- **Organizational Development Section** focuses on internal development for MDOT's existing employees. Organizational effectiveness includes training, professional development, team effectiveness, process improvements, career coaching, and the MDOT Mentoring Program, to name a few.
- **Workforce Programs and Recruitment Unit:** Focuses on building and recruiting a talented, diverse workforce. The unit utilizes multiple forms of recruitment strategies, including external online partnerships with organizations such as Handshake, LinkedIn, and others. Additionally, OOD utilizes internal programs and activities for recruitment, including the Transportation and Civil Engineering Program (TRAC), the Transportation Diversity and Recruitment Program (TDRP), the Veteran Internship Program (VIP), the Transportation Career Pathways Program (TCPP), and the MDOT Internship Program.

### **4.1 Workforce Programs and Recruitment**

#### **4.1.1 Transportation and Civil Engineering Program (TRAC)**

The TRAC coordinator is responsible for promoting and teaching civil

engineering to Michigan's 6-12 grade teachers using real-world, hands-on activities included in eight modules (Bridge Builder, Highway Development and the Environment, Highway Safety, Magnetic Levitation, Motion and the Transportation Engineer, Roadway Design and Construction, Connected Autonomous Vehicles, and Traffic Technology). This position also develops and coordinates a statewide Design and Build Bridge Challenge along with a seven-week internship program.

#### **Title VI Questionnaire**

1. How does the department ensure the administrative policies and procedures for monitoring the operation of the program are applied in a nondiscriminatory manner?
2. How does the department ensure that participants and stakeholders are treated non-discriminatively, fairly, and equitably by TRAC personnel in the performance of their duties?

#### **Annual Review**

1. Number of complaints received by program participants and stakeholders.
2. Have the demographics of areas solicited been inclusive to all populations? How?

#### **4.1.2 Transportation Diversity and Recruitment Program (TDRP)**

TDRP is a unique partnership between MDOT, colleges, and universities throughout Michigan that offers valuable on-the-job training and job shadowing to undergraduate students pursuing degrees in engineering or other transportation-related careers. TDRP recruits and introduces underrepresented groups of students to transportation-specific career opportunities.

#### **Questionnaire**

1. How does TDRP assure that the recruitment activities are inclusive to all Title VI populations?

#### **Annual Review**

1. Number of recruitments by race, national origin, and sex.

#### **4.1.3 Veteran Internship Program (VIP)**

The Veteran Internship Program (VIP) provides veterans with the opportunity to gain practical experience in transportation-related fields, supporting their transition into the civilian workforce. VIP focuses on providing mentorship, skill development, and hands-on experience to



veterans, ensuring they are well-prepared for permanent employment opportunities within MDOT or the broader transportation industry.

#### **Questionnaire**

1. How does VIP ensure that veterans from all Title VI populations have equal access to the program and its resources?
2. What measures are in place to ensure veterans are treated fairly and equitably during their internship experience?

#### **Annual Review**

1. Number of veteran participants by race, national origin, and sex.
2. Number of veterans transitioning to permanent employment post-internship.

#### **4.1.4 Transportation Career Pathways Program (TCPP)**

The Transportation Career Pathways Program (TCPP) is designed to introduce candidates 18 years and older, including those in community colleges, Career and Technical Education (CTE) programs, and Adult Education, to career opportunities in the transportation industry. Through internships, mentorship, and educational activities, TCPP aims to build a pipeline of future transportation professionals.

#### **Questionnaire**

1. How does TCPP ensure that outreach and recruitment efforts are inclusive and reach diverse Title VI populations?
2. What steps are taken to provide equitable learning and mentorship opportunities to all participants?

#### **Annual Review**

1. Number of participants by race, national origin, and sex.
2. Assessment of the program's effectiveness in reaching underrepresented communities.

#### **4.1.5 MDOT Internship Program**

The MDOT Internship Program provides college students and recent graduates with hands-on experience in various transportation-related fields. The program offers a structured environment where interns can develop their skills, gain industry knowledge, and contribute to MDOT's projects and initiatives, preparing them for potential full-time roles within the department or the broader transportation industry.

### **Questionnaire**

1. How does the MDOT Internship Program ensure that recruitment and selection processes are inclusive of all Title VI populations?
2. What measures are implemented to guarantee that interns are provided with equitable opportunities for learning and professional development?

### **Annual Review**

1. Number of intern participants by race, national origin, and sex.
2. Evaluation of the program's success in providing a diverse and inclusive learning environment.

## **5. 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.

### **5.1 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 with the same federal rules applying to both programs. Of the roughly \$26.5 million annual budget, \$6.5 million is allocated to large MPOs 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; 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 provisions are addressed in the plans, bid documents, and contracts with the receiving agency.

## **5.2 TEDF Program**

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 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, categories C and D, are distributed to cities, villages and counties based on formulas contained in 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, categories 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; 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.

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

This loan program is administered to local Act 51 agencies for eligible transportation projects. These loans are intended 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.

#### **Title VI Questionnaire**

1. Have any projects fallen 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? If so, how was this accomplished?

#### **Annual Review**

1. Was the application for project funding inclusive?
2. Was the demographic on MDOT grant-based projects compared for inclusivity?

### **5.4 Tribal Affairs**

The Tribal Affairs Program functions as a liaison between MDOT and federally recognized Native American tribes. Communication with tribal governments is conducted primarily through the executive tribal liaison, region offices, and Transportation Service Center (TSC) staff, as well as staff from the Environmental Services Section. Region and TSC staff meet with tribal governments to identify transportation mobility needs that may mutually benefit both governments, including roads, streets, nonmotorized trail systems, and other transportation-related facilities. Regions invite elected tribal representatives and transportation partners to annual meetings and summits to discuss upcoming projects, potential concerns, and the Five-Year Transportation Plan. Executive and environmental staff coordinate and consult with tribal governments as policies, plans, and projects necessitate.

#### **Questionnaire**

1. Have all communications been produced at an appropriate reading level that the public can comprehend? How?
2. Has all documentation submitted to tribal and local citizens assured Title VI nondiscriminatory provisions were considered and addressed?

## Annual Review

1. Have there been any Title VI complaints?

### **C. CHIEF OPERATIONS OFFICER**

The chief operations officer (COO) is responsible for oversight of the Bureau of Field Services, Bureau of Development, Bureau of Bridges and Structures, and MDOT's seven region offices in ensuring nondiscrimination in all its programs, services, and activities.

#### **1. Bureau of Field Services**

The director of the Bureau of Field Services is responsible for ensuring 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 executive orders.

The bureau director is also responsible for overseeing Construction Field Services, Research Administration, Safety and Security Administration, and the Transportation System Management Operations divisions in ensuring nondiscrimination in all its programs, services, and activities.

##### **1.1 Construction Field Services (CFS) Division**

CFS is responsible for developing and distributing construction specifications, quality control/quality assurance programs, contract administration procedures, and training in support of each region's delivery of their annual programs.

CFS also administers the Capital Preventive Maintenance and Pavement Management programs, including the Pavement Historical Database.

The division provides specialized engineering expertise to other internal areas, including regions, and maintains the American Association of State Highway and Transportation Officials (AASHTO)-accredited testing laboratories for all types of highway materials. The division conducts technical and forensic investigations, as well as partnering with an extensive contract research program with Michigan's universities.

#### Title VI Questionnaire

1. Has the department ensured policies and procedures for monitoring technical and forensic investigations activities are applied in a nondiscriminatory manner? How?

## Annual Review

1. All Title VI complaints received by CFS will be submitted to the MDOT Title VI coordinator to forward to FHWA division office.

## **1.2 Research Administration**

Research Administration is responsible for overseeing the development of research programs, managing research projects, and tracking implementation of 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 developments that yield economic benefit and improved quality of life for users of Michigan's vast transportation systems. MDOT's research program also supports national research programs like the Transportation Research Board (TRB), National Cooperative Highway Research Program (NCHRP), and the American Association of State Highway and Transportation Officials (AASHTO), along with Michigan universities' University Transportation Centers (UTCs).

### Title VI Questionnaire

1. Has Research Administration coordinated all contract procurement activities through the MDOT Contract Services Division?
2. Were all requests for proposals (RFPs) advertised to the public at large and awarded in accordance with department procedures/policies, including those outlined in Title VI?
3. Were issues and/or concerns pertaining to Title VI investigated in cooperation with the MDOT Title VI coordinator?

### Annual Review

The following information will be provided to the MDOT Title VI coordinator on an ongoing basis but no later than Oct. 1, the end of each fiscal year:

1. All Title VI complaints received by Research Administration on contracts and sub-contracts.
2. All Title VI complaints received by Research Administration will be submitted to the MDOT Title VI coordinator to forward to FHWA division office.

## **1.3 Safety and Security Administration**

Safety and Security Administration (SSA) is responsible for developing,

coordinating, implementing, and evaluating the occupational safety, emergency management, homeland security, environmental audit, and hazardous materials programs to ensure a safe, secure environment for MDOT employees and all users of Michigan's transportation system.

SSA assists the department in mitigating emergency events, including but not limited to engaging the FHWA Emergency Relief Program to obtain emergency funding, and liaising with external partners such as the State Emergency Operations Center, Michigan State Police, Department of Homeland Security, and the Michigan Governor's Office. Additionally, SSA serves the department by providing safety training, safety topics, conducting health and safety inspections of worksites and facilities, and spearheading a variety of occupational safety initiatives.

### Title VI Questionnaire

1. Has the section ensured that policies and procedures are applied in a nondiscriminatory manner? How?

### Annual Review

The following information will be provided in an annual report to the MDOT Title VI coordinator no later than Oct. 1 of each year (i.e., the end of each fiscal year):

1. All Title VI complaints received by SSA on contracts and sub-contracts.
2. All Title VI complaints that SSA received a Letters of Finding from FHWA.
3. Identify efforts made to monitor the contracting and sub-contracting process to ensure correct procedures were followed and that competitive bidding was used.
4. Identify areas of concern or barriers to successful participation by female or minority-owned firms on projects.

### **1.4 Transportation Systems Management Operations (TSMO) Division**

The TSMO division is a robust area whose primary responsibility involves overseeing the overall maintenance, operation, and safety of the state's integrated highway system, as well as overseeing the administration and operation of MDOT's internal Fleet and Facilities programs. The division is comprised of four sections:

- Maintenance and Operations Services
- Traffic and Safety

- Intelligent Transportation Systems (ITS) Program Office
- Facilities and Fleet Administration

Services provided by Maintenance and Operations Services are diverse in nature and are integrally linked to supporting delivery of MDOT region programs. The Electrical Unit performs monitoring and maintenance of lift bridges and pump stations statewide. The Roadside Operations and Region Support areas provide oversight of contracting statewide maintenance services, including but not limited to rest area janitorial contracts, right of way (ROW) mowing contracts, and the bulk purchase of commodities/materials such as road salt. The Congestion and Reliability Unit provides a comprehensive program that includes incident tracking and partnering with stakeholders such as fire departments and law enforcement to ensure the safety of motorists.

The Traffic and Safety Section provides technical expertise concerning freeway and non-freeway signs, traffic regulations (including traffic control orders), and pavement markings and delineation. The area also participates in all phases of the department's efforts to reduce traffic crashes, fatalities and serious injuries, vehicle delay, fuel consumption and pollution, and operating costs by increasing the safety, efficiency, and capacity of the state highway trunkline system.

Services provided by the statewide ITS Program Office include responsibility for the administration and development of MDOT's ITS Program statewide, including the Statewide MDOT ITS Strategic Plan, ITS design standards and specifications, ITS project federal guidelines adherence and funding eligibility, ITS Capital and Operations and Maintenance (O&M) template management, Connected and Automated Vehicle (CAV) Program strategies and objectives, ITS asset management and maintenance, and ITS software maintenance and development, as well as a number of additional core functions as described in MDOT's ITS Strategic Plan.

Services provided by the statewide Facilities and Fleet Administration include responsibility for the administration and development of MDOT's statewide Fleet and Facilities programs, including facilities engineering and projects, and maintenance, repairs and overall management and inspections of MDOT's small, medium, large, and winter maintenance truck fleet and statewide equipment.

Through innovation, partnerships with local agencies, and internal programs implementation, the TSMO division strives to meet the goal of Title VI while increasing mobility and safety on the highways.

#### Title VI Questionnaire

1. Has the department monitored local agency maintenance contracts, including counties and municipalities, to ensure they contain Title VI provisions? How?
2. Has the department ensured Title VI provisions are included in Indefinite Delivery of Services (IDS) and Chemical Storage contracts? How?



3. Did the department monitor sub-contracts of more than \$25,000 to ensure projects have been advertised and that the competitive selection process was utilized to be inclusive to all Title VI populations? How?
4. Did the department monitor the Adopt-A-Highway Program to ensure equal access to all volunteers?
5. Has the department ensured 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 of each year (i.e., the end of each fiscal year):

1. All Title VI complaints received by TSMO on contracts and sub-contracts.
2. All Title VI complaints that TSMO received a Letters of Findings from FHWA.
3. Identify efforts made to monitor the contracting and sub-contracting processes to ensure correct procedures were followed and that competitive bidding was used.
4. Identify areas of concern or barriers to successful participation by female or minority-owned firms on projects.

## **2. 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 executive orders (E.O.s).

### **2.1 Environmental Services Section**

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

The Environmental Services Section (ESS) manager is responsible for assuring that MDOT identifies environmental effects and resulting impacts, along with developing appropriate mitigation measures in accordance with Title VI and related civil rights laws and E.O.s. The section appoints a Title VI Interdisciplinary Team coordinator to assist with this responsibility. The environmental analysis process requires consideration of social, economic, and environmental effects of a proposed project to identify potential discriminatory issues related to project development. Inclusion of input from all interested and affected persons in transportation project development is a priority.

### Title VI Questionnaire

1. Was environmental justice (EJ) analysis conducted? Did ESS work with region staff during environmental review to consider economic and social effects of projects? Did EJ analysis include the following: defining the project, conducting demographic analysis, developing specific EJ communication strategies for continuous and meaningful involvement, identifying potential impacts, mitigation, documenting methodology, findings, and public involvement?
2. Did the department 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? Were these efforts included in public notices in newspapers, use of appropriate languages, and selection of accessible locations and times for public hearings?
3. Did the department monitor compliance with E.O. 13166, LEP, to assure access and understanding of projects and activities of those populations with language barriers?
4. Did the department afford female and minority-owned consulting firms the maximum opportunity to participate in consultant-based environmental studies?
5. Did the department monitor environmental accomplishments and problem areas?

#### Annual Review

The following information 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 regarding 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 that is targeted to these groups.

4. Implementation of Title VI information and vital documents in languages other than English.
5. Methods and action steps used to ensure that issues and 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 project development, design processes, implementation, and mitigation decision-making processes.
6. Number and type of environmental documents (Environment Impact Statements (EIS), Environmental Assessments (EA) - Finding of No Significant Impact (FONSI), Record of Decision (ROD), Planning and Environmental Linkages studies (PEL) and Categorical Exclusions with EJ reviews processed for the fiscal year).
7. 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.
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.

## **2.2 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:

- Provides engineering data regarding utilities and roadside development to be used for design documents of transportation projects;
- Ensures plans and proposals are prepared in conformance with FHWA, AASHTO, and MDOT design procedures, principal standards, and specifications;
- Coordinates and implements automated engineering systems and standards;
- Is responsible for administering the federal and state aid programs;

- Acquires aerial mapping photography and produces topographic maps to be used for design/construction documents of transportation projects; and
- Accumulates survey data for the use of Project Development staff, the Road and Bridge Design units, and the Development Services support area.

#### Title VI Questionnaire

1. Did the department 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. Did the department monitor Title VI compliance on projects initiated, managed, or overseen by Design Division?
3. Did the department monitor design exceptions for compliance with Title VI requirements?
4. Did the department 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.

### **2.3 Development Services Division**

The Development Services Division, Real Estate Services Section is responsible for assuring ROW activities are executed in accordance with Title VI. ROW activities include property valuation, acquisition, relocation, and the sale and licensing of MDOT property. The Real Estate Services Section certifies that the procedures outlined in the FHWA-approved Real Estate Procedure Manual are nondiscriminatory and are conducted in compliance with Title VI and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Uniform Act ensures equitable and uniform treatment of persons impacted or displaced by transportation projects, regardless of race, color, or national origin.

The Real Estate Procedure Manual includes procedures for property valuation to establish recommended compensation, good faith written offers (including the negotiation of terms and conditions for acquisition with property owners' advisory services in the relocation of displaced individuals, businesses, farm operations, and nonprofit organizations), and the sale and leasing of MDOT property. Once the valuation process is complete, MDOT staff will present a good faith written offer to the property owner for acquisition of ROW required for the project. Relocation advisory service procedures are also outlined in the procedure manual, and all identified displaced individuals are provided these services on a nondiscriminatory basis. Acquisitions not conducted by MDOT staff are performed by consultants who are required to comply with Title VI and Act 453 requirements and are monitored by MDOT staff throughout the process.

#### Title VI Questionnaire

1. Did the department document and report any complaints by property owners and those displaced?
2. Did the department document and report any relocation appeals resulting from a claim of discrimination?
3. Were interpreters provided when required or appropriate?
4. Did the department provide available replacement comparable housing to persons in compliance with Title VI and the Uniform Act? Will any reported instances of discrimination for replacement housing be documented and investigated?
5. Did the department advise affected property owners, those displaced, and others impacted by a transportation project of their rights and benefits regarding valuation, acquisition, relocation, condemnation, and other aspects of the ROW process?
6. Did the department incorporate nondiscriminatory language and assurance statements in all advisory materials presented to property owners and those displaced?
7. Did the department ensure comparable replacement dwellings are available and assistance given to all who have been displaced in accordance with the approved Real Estate Procedure Manual and the Uniform Act?

8. Did the department follow nondiscriminatory Real Estate Procedure Manual procedures with potential buyers during the sale and licensing of MDOT property?
9. Did the department ensure Title VI compliance when performing real estate consulting activities?
10. Did the department monitor all real estate consultants to ensure Title VI compliance?
11. Did the department complete information for the Annual Title VI Report?

### Annual Review

The Real Estate Services Section will provide a written statement verifying all the above statements are true and will include any Title VI complaints, any relocation appeals resulting from a claim or discrimination, and if any interpreters were utilized. The written statement will be submitted annually to the MDOT Title VI coordinator.

### **3. Bureau of Bridges and Structures**

The Bureau of Bridges and Structures (BOBS) is responsible for all trunkline bridges in the state of Michigan, including large, complex, and moveable bridges. It is comprised of the Blue Water Bridge, Structure Program Division and Structure Project Division.

#### **3.1 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 of 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 Michigan, and assuring nondiscrimination in all of its programs, services, and activities.

#### **3.2 Structure Program Division**

Oversee the Bridge Management and Bridge Preservation sections to ensure nondiscrimination in all its programs, services, and activities. The Structure Program Division administrator 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.

### **3.3 Structure Project Division**

Oversees the Structure Design, Structure Construction and Geotechnical sections to ensure nondiscrimination in all its programs, services, and activities. The Structure Project Division administrator 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.

#### Title Questionnaire

1. Did the department ensure all programs are administered in a nondiscriminatory manner? How?
2. Did the department ensure any displaced transient populations were relocated equitably?
3. Did the department ensure that Title VI provisions are included in all BOBS contracts?
4. Were all Title VI complaints received by BOBS forwarded to MDOT's Title VI coordinator?

#### Annual Review

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.

### **4. Office of Major Projects**

Office of Major Projects (OMP) has been created to bring together all the uniquely experienced staff that manage innovative and complex major projects. OMP provides a more consistent approach across all major projects. The office works closely and adheres to Title VI assurance procedures in collaboration with ESS, Design Division, and Contract Service Division.

### **5. MDOT Regions**

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 ROW. Each region office provides oversight and program guidance. Between two and four TSCs in each region provide direct transportation projects and services.

### Title VI Questionnaire

1. Does the region have a representative on the Interdisciplinary Team? Does the representative understand they are acting with the authority of the region engineer, that 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)? Does the representative understand that they are responsible for concerns regarding compliance are shared with the applicable region engineer to determine the appropriate actions with the assistance of the Title VI coordinator?
2. Did the region monitor federal-aid planning, scoping, surveying, geotechnical, design, ROW acquisition, traffic, construction, and other highway (motorized and nonmotorized) activities assigned to the regions to ensure compliance with Title VI provisions?
3. Did the region monitor federal-aid planning, scoping, surveying, geotechnical, design, ROW acquisition, traffic, construction, and other highway (motorized and nonmotorized) contracts and sub-contracts assigned to the regions to ensure the subrecipients comply with Title VI provisions?
4. Has the region engaged in any of the following related activities that 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 subrecipients are completed appropriately, offering training assistance when needed.
  - c. Confirming that subrecipients and employees of subrecipients receive timely and proper wages and payments, following timely contract payment and wage determination procedures.
  - d. Ensuring that subrecipients 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.



## Annual Review

Team members gather and provide data to the MDOT Title VI coordinator for the annual update by the second week ending in November. The accomplishment report will include information required by the FHWA.

### **D. CHIEF ADMINISTRATIVE OFFICER**

The chief administrative officer (CAO) 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 nondiscrimination in MDOT's programs, services, and activities related to these specific areas.

#### **1. 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 those 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.

##### **1.1 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.

##### **1.2 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.

#### Title VI Questionnaire

1. Did the division monitor federal-aid construction/consultant contracts and sub-contracts to ensure they contain Title VI assurances?
2. Did the division assist in establishing the appropriate level of DBE participation on federal-aid highway construction projects?
3. Did the division ensure that contracts are properly executed and that complaints involving delinquent payments are discussed with field staff?
4. Did the division report construction contract complaints with potential Title VI implications to the MDOT Title VI coordinator immediately upon receipt?

#### Annual Review

The area of Finance and Administration will provide the following information 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 subcontractors defaulting on contracts.
4. Title VI complaints received during the reporting period.
5. Significant accomplishments and actions planned for the next fiscal year.

### **1.3 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 is required as this function does not have a direct bearing on

the public under Title VI.

## **2. Office of Passenger Transportation**

The Office of Passenger Transportation (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 and the intercity bus program. Each program area will ensure federal funds are equitably distributed to the subrecipients in accordance with Title VI and that all subrecipients that receive federal funds through OPT comply with Title VI requirements.

The OPT administrator has appointed a Title VI Interdisciplinary Team member/coordinator 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 and updating the Title VI compliance checklist, assists Transportation Services Section management in sending out letters to subrecipients that outline Title VI requirements, developing and updating a Title VI template to be used by the subrecipients, and providing technical support to subrecipients and FTA Circular, [4702.1B](#), "Title VI Requirements and Guidelines for Federal Transit Administration (FTA) Recipients," to help with their understanding of Title VI requirements, and will coordinate to address new requirements under the new circulars.

For more information on how OPT adheres to FTA Title VI requirements, please see the MDOT FTA Title VI Nondiscrimination Plan, which can be found on MDOT's website at [www.Michigan.gov/TitleVI](http://www.Michigan.gov/TitleVI).

OPT reports its Title VI activities on a triennial basis, or as requested, to the FTA. OPT complies 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.

OPT complies with the Title VI review requirements of the FTA. This year, OPT has received an updated Title VI plan from all subrecipients. Of the 105 plans received, seven either need corrections or are waiting for board approval. OPT anticipates having all plans completed by the end of the calendar year. 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.

### **3. 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 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 most 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 OPT, as OPT administers most 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 ensure compliance with FHWA's Title VI guidelines and reporting requirements.

The OR will comply with 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 ensure compliance with FHWA's Title VI monitoring guidelines.

The OR will comply with 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 ensure compliance with FHWA's Title VI annual review requirements.

### **4. 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 aids communities and the state, including air service coordination and development, and providing air transportation services for 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 ensuring that aeronautic 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 ensure compliance with FHWA's Title VI monitoring guidelines.

#### **4.1 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 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 ensuring that aeronautic projects are executed in accordance with Title VI.

#### **4.2 Aviation Services Division**

Aero's Aviation Services Division 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.

### **5. 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, Michigan, 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.

#### Title VI Questionnaire

1. Does the administration ensure that the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a nondiscriminatory manner? How?

#### Annual Review

1. A report of the proceedings, operations, and financial condition of the authority board and the bridge will be sent to the governor.
2. Independent financial audit report.
3. Produce and update annually the Five-Year Business and Asset Management Plan.
4. Number of complaints made by travelers via the bridge.
5. Number of public involvement meetings.
6. Submit International Bridge and Tunnel Act (IBTA) Bi-annual Operations and Use Report to the Federal Bridge Corporation Limited, Canada.

#### **6. Enterprise Information Management**

The Office of Enterprise Information Management (EIM) within MDOT leads the agency's program to drive, align, and provide oversight for all initiatives relevant to data/information throughout the department. EIM provides business areas access to better information, analytics, and IT tools in a timely manner to facilitate more robust decision making and operational performance.

No Title VI metric is required as this function does not have a direct bearing on the public under Title VI.

## **VI. EXTERNAL REVIEW PROGRAM**

### **Subrecipients**

Subrecipients refer to any organization other than MDOT with administrative or functional responsibilities that are affiliated with a governmental body that indirectly receives federal funds. In accordance with 23 CFR 200.9(b)(7), FHWA requires MDOT to conduct Title VI reviews on subrecipients of federal funds, including cities, counties, planning organizations and transportation. MDOT uses

the Subrecipient Title VI Nondiscrimination Compliance Review/Baseline Assessment Questionnaire for reviews. Responsibilities for subrecipients include but are not limited to:

- Have an approved Title VI plan.
- Completion of the compliance Title VI Subrecipient Annual Certification Form (0179) due Oct. 1 annually.
- Maintain documentation and provide answers to inquiries, including any requested supporting documentation reported on their Title VI annual certification form 0179.
- A policy statement and standard Title VI assurances signed by the agency's current executive officer.
- Subrecipient's Title VI/Nondiscrimination Plan.
- Designate a person to serve in the role of Title VI coordinator.
- Developing external discrimination complaint handling procedures.
- Include Title VI contract provisions in solicitations, contracts, and awards.
- Indicate how the agency ensures LEP individuals have access to agency programs and services.
- Specify data collection procedures for collecting demographic information.
- Identify public involvement procedures that solicit input on a proposed action from minority populations within that agency's jurisdictional boundary.
- Attending a mandatory Title VI training if the Title VI annual certification results in an unsatisfactory status.
- Correcting any deficiencies and resubmission of the 0179 to receive satisfactory status.

#### Subrecipients selected for review

##### **Phase I - Subrecipient: Agency Without an Approved Title VI Program/Plan**

- The Title VI coordinator assists the agencies with developing a

Title VI program and helps to monitor the implementation.

- These agencies have up to three years to develop a comprehensive Title VI program, which includes an LEP plan.
- Once MDOT reviews the Title VI program and accepts the implementation plan, then MDOT categorizes it as Phase II.

**Phase II - Subrecipient: Agency with an Approved Title VI Program/Plan**

- All approved subrecipients are briefly reviewed annually using the Annual Certification Form 0179 responses. If responses are non-satisfactory, a more in-depth review will be implemented. MDOT completes at least three in-depth subrecipient reviews per fiscal year.
- Subrecipient review selection are prioritized by:
  - Subrecipients that receive multiple complaints.
  - Subrecipients with unsatisfactory response(s) on annual certification.
  - Subrecipients that are consistently late in completing their annual certification.
  - Subrecipient has submitted problematic responses to the Title VI Nondiscrimination Compliance Review/Baseline Assessment Questionnaire.
  - Rotation (minimum five years) of last review.

**Noncompliant Subrecipient**

- Notice of compliance review
  - The Title VI coordinator will send a notice of compliance review providing the reason for the review and a request for documents to the subrecipients.
  - The subrecipient will be given an initial 30-day time period to produce the requested documentation. This time may be extended when a reasonable request for extension is made and at the discretion of Title VI coordinator.
  - Subrecipient who fails to respond to a notice of compliance review, including the request for information,



within the prescribed deadline shall receive written notification of his or her deficiency status from the Title VI program staff (see preliminary findings below).

- Desk review
  - Information received from the subrecipient is reviewed in office by Title VI staff. A telephone call may be scheduled to discuss preliminary deficiencies observed and to request additional information as necessary.
  - On-site review determining factors:
    - Deficiencies are directly related to improvements being constructed or maintained by the subrecipient.
    - Deficiencies include missing entire program components or are otherwise considered major deficiencies.
    - The subrecipient's program coordinator or representative has not been identified and/or does not appear to have the support of the executive leadership of the agency in ensuring program compliance.
    - The review is based upon the receipt of a complaint.
- Preliminary findings:
  - The Title VI reviewer shall provide the subrecipient with a written report of preliminary findings that shall:
    - Document the deficiencies observed and direct the subrecipient to come into compliance within 90 days.
    - Deficiencies that can't be resolved in 90 days shall be reflected in a compliance plan submitted to MDOT for approval within the 90-day period and shall include dates by which compliance will be achieved, and specific action steps with identified task ownership.
      - The subrecipient is responsible for notifying MDOT that it has

achieved its approval compliance plan goals. Failure to provide such notice will place them in deficiency status.

- Failure to comply:
  - If subrecipient fails to voluntarily comply within the 90 days of original notification or alternative period approved by MDOT, MDOT will issue a Notice of Noncompliance. If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, MDOT will issue a noncompliance letter and forward a copy to FHWA. MDOT may then take or participate in other legally available actions against the subrecipient for failure to comply. The actions may include withholding payment on a contract and/or suspending or terminating the contract.

## VII. DATA COLLECTION AND ANALYSIS

### Data Collection

The Title VI office works individually with each program area to develop a collected data set that will support both the desk audit and reporting to FHWA. Potential sources of data include but are not limited to; census data, school districts, forms or surveys, management systems, land use plans, geographic information systems (GIS), transportation models, and MPO committees.

### Analysis

Once Title VI data is collected, the data must be analyzed for the purpose of identifying patterns of discrimination. Each program area is responsible for analyzing the data collected and recommending a corrective action, as appropriate. A pattern of discrimination may result from a specific process or as the result of a process or procedure being implemented in a discriminatory manner.

The types of analysis used to address Title VI compliance include but are not limited to distribution of benefits, allocation of funds, impact of investments on race, color, and national origin, and language needs.

MDOT's data collection efforts are specific to each program area. The following is a brief example of data collection conducted by MDOT that include Title VI metrics.

Environmental Planning: MDOT collects and analyzes U.S. census and other data as a part of the EJ analysis regarding populations expected to be impacted by MDOT projects. Demographic data is collected during the environmental review process and shared with the region project team and consultants. MDOT's process for identifying possible disparately impacted populations is described in MDOT Environmental Procedures Manual (EPM) Chapter 5.11 Environmental Justice. (MDOT EPM is under revision and drafts/final content is available upon request.) Additionally, environmental and project staff collect voluntary demographic data during public meetings, as described in MDOT EPM Chapter 3.5 Public Involvement. This data will include demographic information from attendees.

## VIII. TRAINING

### Internal

All MDOT employees attend Title VI training during their onboarding when hired. They are provided an overview of Civil Rights Program requirements, Title VI background and purpose, the purpose of

nondiscrimination assurances, and the consequences of noncompliance with Title VI. Each new employee is required to sign the Title VI Training Acknowledgment Form ([Form 1486](#)) once they have completed the training. The Title VI coordinator maintains a record of the signed acknowledgement form.

Training is provided throughout the MDOT's employee's career on an "as needed basis." Examples of an as needed basis are Title VI complaints, new developments surrounding project areas, or by Interdisciplinary Team member request for their respective area.

#### External

MDOT provides subrecipients external training on as needed basis in two formats. The most basic form is delivered online using the [FHWA website](#). The Title VI coordinator provides individual (one-on-one) and group training to subrecipients as needed. (For example: new Title VI administration, noncompliance with meeting Title VI requirements, request as a refresher by subrecipient.)

### **IX. 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, upon request.

#### Internal Distribution:

1. MDOT employees via website access or hard copies, as requested.

#### External Distribution:

1. FHWA Civil Rights Office.
2. Subrecipients of federal aid (cities, counties, universities, MPOs) available via website and hard copy when requested.
3. State of Michigan departmental equity and inclusion officers.

Interested parties may access the Title VI plan at [www.Michigan.gov/TitleVI](http://www.Michigan.gov/TitleVI).

### **X. COMMUNITY OUTREACH AND PUBLIC EDUCATION/DATA COLLECTION AND ANALYZED**

MDOT public involvement procedures ensure the public and those affected have ample opportunity for meaningful participation in MDOT's transportation decision-

making process. They also ensure that the development of transportation programs and projects in Michigan comply with federal regulations and objectives.

Different public involvement objectives and procedures apply to each phase of the federal-aid project development process and for each class of action. These phases can generally be categorized into preliminary development, impact analysis, and decision-making. There are three classes of action as defined in [23 CFR Part 771.115](#).

- [MDOT's Public Involvement Hearings Procedures](#)
- MDOT's Planning for Public Involvement includes developing a project-specific public involvement plan (PIP). The PIP will define the purpose of the public involvement and engagement goals. The purpose and goals drive the public involvement strategies. Procedures are defined in MDOT's Environmental Procedures Manual Public Involvement Section.
- [Virtual Public Involvement](#)
- [Guidelines for Stakeholder Engagement \(Michigan.gov\)](#)
- At all virtual, hybrid, and in-person meetings, MDOT offers attendees a Title VI survey using Form 5400, [Title VI Public Involvement Survey \(state.mi.us\)](#). At in-person meetings, pages five and six are available near the entrance for the public to complete. For virtual meetings, an [online Title VI survey](#) can be provided to attendees using the chat function. The completed Form 5400 Title VI survey is sent to the Title VI coordinator.
- MDOT's [LEP Plan](#) provides guidance to MDOT employees for meeting the needs of individuals with limited English proficiency and all beneficiaries of transportation programs. It includes a guidance document and forms for gathering demographic data for all public involvement meetings.

## **XI. COMPLAINT PROCEDURES**

This complaint procedure covers the following non-discrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and The Civil Rights Restoration Act of 1987.

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 subrecipient, and she/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, 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 forwarding to FHWA division office.

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, then the time for filing may be extended by the US Secretary of Transportation.

- 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 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 after reduction in writing, the MDOT Title VI coordinator will acknowledge receipt of the allegation and inform the complainant of FHWA's Title VI complaint process.
- 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. If available, explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
- e. Complaints Investigation Process:
  - All complaints are routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding

whether to accept, dismiss, or transfer Title VI complaints filed against state DOTs or subrecipients of federal financial assistance.

- Complaints are forwarded from the initial receiving agency through the federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a subrecipient city, that receiving agency should forward the complaint to the state DOT, which should forward the complaint to the state’s FHWA division office, which should forward the complaint to HCR. If a complaint is filed with a state DOT, then the state DOT should forward the complaint to the FHWA division office, which should forward the complaint to HCR.
- State DOTs and subrecipients must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the complainant, the FHWA division office, state DOT, and subrecipient (where applicable).

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE 8th Floor E81-105 Washington, D.C. 20590
E-mail	<a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a> , <a href="mailto:FHWA.TitleVIcomplaints@dot.gov">FHWA.TitleVIcomplaints@dot.gov</a>
Fax	202-366-1599
Questions?	202-366-0693

MDOT Title VI Complaint Form 0112 is 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. A link to these forms can be found on page 72.

## Investigations

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

All complaints investigations are delegated by FHWA. 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 FHWA division office. An MDOT

Complaint Consent/Release Form 0198 shall be provided to all complainants.

Copies of Title VI complaints will be forwarded to FHWA division office. 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.

### **Timeframes for Investigations**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

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

### **FHWA Investigation Potential Outcomes**

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator state DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
  - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
  - If FHWA cannot informally resolve the matter or the



respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the recipient is in noncompliance with its Title VI obligations.

3. If FHWA issues an LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including but not limited to suspension or termination of federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
  - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c).

All LOFs issued by FHWA are administratively final.

## **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.

## **XII. REVIEW OF STATE DIRECTIVES**

The Title VI coordinator, and Interdisciplinary Team members (further described as Title VI staff).

- The Title VI staff collaborates throughout the fiscal year to make and implement nondiscriminatory policies. The staff works to ensure MDOT's directives maintain Title VI and other federal nondiscrimination mandates.
- Members of the Title VI staff are included in the review process when MDOT's directives are drafted, and policies are implemented. This

provides an opportunity for Title VI staff to review for any possible Title VI issues.

- Members of the Title VI staff review all environmental documents, public meetings, and hearings transcripts to ensure staff are aware of potential Title VI issues.
- The Title VI administrator serves on the Regional Bureau Management Team (RBMT) leadership team. This leadership team consists of MDOT's director, bureau directors, regional directors, and office administrators. The Title VI administrator serves as the Title VI advisor to leadership to ensure MDOT directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations.

## **XIII. Exhibits**

# Exhibit 1 [Standard Title VI Nondiscrimination Assurances]

## 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, and national origin);
- 49 C.F.R. Part 21 (entitled "Nondiscrimination 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 US.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.

E-SIGNED by Bradley C. Wieferich, P.E.  
on 2024-08-15 13:07:08 EDT

---

Bradley C. Wieferich, P.E., Director  
Michigan Department of Transportation

---

Date

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the 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. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination 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 nondiscrimination 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 the United States.



## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Michigan Department of Transportation (MDOT) will accept title to the lands and maintain the project constructed thereon in accordance with the State of Michigan, the Regulations for the Administration of the State Transportation Program, and the policies and procedures prescribed by the Federal Highway Administration (FHWA) 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 (MDOT) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the 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.)

## APPENDIX C

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the 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.)

## APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the 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 Nondiscrimination covenants, the 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, the Michigan Department of Transportation will there upon 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 to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Nondiscrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 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, subrecipients 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 12898, 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); and
- 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).



**MDOT’s Title VI & Nondiscrimination Policy Statement**

The Michigan Department of Transportation (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 subjected 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:

Common Name of Legislation		Citation to Law
Title VI of the Civil Rights Act of 1964		78 Stat. 252, 42 U.S.C. §2000d-2000d42

Whenever MDOT distributes federal aid funds to second tier subrecipients, 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 St.  
 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.

E-SIGNED by Bradley C. Wieferich, P.E.  
 on 2024-08-15 11:39:48 EDT

\_\_\_\_\_  
 Bradley C. Wieferich, P.E., Director  
 Michigan Department of Transportation

\_\_\_\_\_  
 Date



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
**DEPARTMENT OF TRANSPORTATION**  
LANSING

BRADLEY C. WIEFERICH, P.E.  
ACTING DIRECTOR

August 15, 2024

Theodore Burch, P.E.  
Division Administrator  
Federal Highway Administration - Michigan Division  
315 W. Allegan St., Room 201  
Lansing, MI 48933

Dear Theodore Burch:

In accordance with 23 CFR 200.9(b)(1), I am designating Lisa S. Thompson, Administrator, Office of Business Development, as the Michigan Department of Transportation's Title VI Administrator and Orlando T. Curry as the Michigan Department of Transportation's Statewide Title VI Coordinator.

With my support, Lisa and Orlando will be directly responsible for all aspects of the Title VI Program. Their contact information is noted below:

Lisa S. Thompson, Title VI Administrator  
Administrator, Office of Business Development  
425 W. Ottawa St.  
P.O. Box 30050  
Lansing, MI 48909  
Phone: 517-335-1708  
E-mail: ThompsonL@Michigan.gov

Orlando T. Curry, MSA, Statewide Title VI Coordinator  
425 W. Ottawa St.  
P.O. Box 30050  
Lansing, MI 48909  
Phone: 517-241-7462  
E-mail: CurryO@Michigan.gov  
Website: [www.Michigan.gov/TitleVI](http://www.Michigan.gov/TitleVI)

Sincerely,

E-SIGNED by Bradley C. Wieferich, P.E.  
on 2024-08-15 11:34:51 EDT

Bradley C. Wieferich, P.E.  
Director

cc: Lisa Thompson, MDOT  
Orlando Curry, MDOT

#### **Exhibit 4 [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 sub-contracts 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 Commission 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.



## 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 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 receive LEP training upon hire. 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 describe within the LEP Plan, to determine potential higher need areas regarding 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's Planning and Environmental Divisions use 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 LEP Technical Report at

### [LEP Technical Report 2015 \(Michigan.gov\)](#)

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 encounter the program.
3. The nature and importance of the program, activity, or service provided by the program to people's lives.

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 regarding LEP.
2. Program area administrators have been advised that reasonable steps should be taken to ensure meaningful access to MDOT programs and activities by limited English-speaking people.
3. MDOT's Public Involvement Plan (PIP), along with MDOT's public involvement and hearings officer, assures individuals planning public meetings understand their responsibility to review the population of the affected area to determine LEP needs and make requests when 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 services 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  
E-mail: CurryO@Michigan.gov

5. Critical information has been printed and distributed in languages other than English, including Arabic and Spanish, based on MDOT's PIP, Title VI GIS data, MDOT's public involvement and hearings officer, the Safe Harbor Threshold and request to the Title VI coordinator.
6. I-Speak cards have been distributed to drivers of MDOT's Roadside Assistance Program and Welcome Centers as needed. Requests for interpretive services are processed by the Title VI coordinator.
7. MDOT's complete LEP Plan has been developed and may be accessed via MDOT's Title VI website at <http://www.Michigan.gov/TitleVI>.
8. The MDOT 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. Title VI is incorporated with the PIP. The MDOT PIP can be viewed at <https://www.Michigan.gov/MDOT/-/Media/Project/Websites/MDOT/Programs/Title-VI-Nondiscrimination/Reference-Documents/MDOT-Public-Involvement-Plan.pdf>.

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**

[MDOT Limited English Proficiency Volunteers \(michigan.gov\)](https://www.michigan.gov/MDOT/0,4570,7-153_1-423_1-424_1-425_1-426_1-427_1-428_1-429_1-430_1-431_1-432_1-433_1-434_1-435_1-436_1-437_1-438_1-439_1-440_1-441_1-442_1-443_1-444_1-445_1-446_1-447_1-448_1-449_1-450_1-451_1-452_1-453_1-454_1-455_1-456_1-457_1-458_1-459_1-460_1-461_1-462_1-463_1-464_1-465_1-466_1-467_1-468_1-469_1-470_1-471_1-472_1-473_1-474_1-475_1-476_1-477_1-478_1-479_1-480_1-481_1-482_1-483_1-484_1-485_1-486_1-487_1-488_1-489_1-490_1-491_1-492_1-493_1-494_1-495_1-496_1-497_1-498_1-499_1-500_1-501_1-502_1-503_1-504_1-505_1-506_1-507_1-508_1-509_1-510_1-511_1-512_1-513_1-514_1-515_1-516_1-517_1-518_1-519_1-520_1-521_1-522_1-523_1-524_1-525_1-526_1-527_1-528_1-529_1-530_1-531_1-532_1-533_1-534_1-535_1-536_1-537_1-538_1-539_1-540_1-541_1-542_1-543_1-544_1-545_1-546_1-547_1-548_1-549_1-550_1-551_1-552_1-553_1-554_1-555_1-556_1-557_1-558_1-559_1-560_1-561_1-562_1-563_1-564_1-565_1-566_1-567_1-568_1-569_1-570_1-571_1-572_1-573_1-574_1-575_1-576_1-577_1-578_1-579_1-580_1-581_1-582_1-583_1-584_1-585_1-586_1-587_1-588_1-589_1-590_1-591_1-592_1-593_1-594_1-595_1-596_1-597_1-598_1-599_1-600_1-601_1-602_1-603_1-604_1-605_1-606_1-607_1-608_1-609_1-610_1-611_1-612_1-613_1-614_1-615_1-616_1-617_1-618_1-619_1-620_1-621_1-622_1-623_1-624_1-625_1-626_1-627_1-628_1-629_1-630_1-631_1-632_1-633_1-634_1-635_1-636_1-637_1-638_1-639_1-640_1-641_1-642_1-643_1-644_1-645_1-646_1-647_1-648_1-649_1-650_1-651_1-652_1-653_1-654_1-655_1-656_1-657_1-658_1-659_1-660_1-661_1-662_1-663_1-664_1-665_1-666_1-667_1-668_1-669_1-670_1-671_1-672_1-673_1-674_1-675_1-676_1-677_1-678_1-679_1-680_1-681_1-682_1-683_1-684_1-685_1-686_1-687_1-688_1-689_1-690_1-691_1-692_1-693_1-694_1-695_1-696_1-697_1-698_1-699_1-700_1-701_1-702_1-703_1-704_1-705_1-706_1-707_1-708_1-709_1-710_1-711_1-712_1-713_1-714_1-715_1-716_1-717_1-718_1-719_1-720_1-721_1-722_1-723_1-724_1-725_1-726_1-727_1-728_1-729_1-730_1-731_1-732_1-733_1-734_1-735_1-736_1-737_1-738_1-739_1-740_1-741_1-742_1-743_1-744_1-745_1-746_1-747_1-748_1-749_1-750_1-751_1-752_1-753_1-754_1-755_1-756_1-757_1-758_1-759_1-760_1-761_1-762_1-763_1-764_1-765_1-766_1-767_1-768_1-769_1-770_1-771_1-772_1-773_1-774_1-775_1-776_1-777_1-778_1-779_1-780_1-781_1-782_1-783_1-784_1-785_1-786_1-787_1-788_1-789_1-790_1-791_1-792_1-793_1-794_1-795_1-796_1-797_1-798_1-799_1-800_1-801_1-802_1-803_1-804_1-805_1-806_1-807_1-808_1-809_1-810_1-811_1-812_1-813_1-814_1-815_1-816_1-817_1-818_1-819_1-820_1-821_1-822_1-823_1-824_1-825_1-826_1-827_1-828_1-829_1-830_1-831_1-832_1-833_1-834_1-835_1-836_1-837_1-838_1-839_1-840_1-841_1-842_1-843_1-844_1-845_1-846_1-847_1-848_1-849_1-850_1-851_1-852_1-853_1-854_1-855_1-856_1-857_1-858_1-859_1-860_1-861_1-862_1-863_1-864_1-865_1-866_1-867_1-868_1-869_1-870_1-871_1-872_1-873_1-874_1-875_1-876_1-877_1-878_1-879_1-880_1-881_1-882_1-883_1-884_1-885_1-886_1-887_1-888_1-889_1-890_1-891_1-892_1-893_1-894_1-895_1-896_1-897_1-898_1-899_1-900_1-901_1-902_1-903_1-904_1-905_1-906_1-907_1-908_1-909_1-910_1-911_1-912_1-913_1-914_1-915_1-916_1-917_1-918_1-919_1-920_1-921_1-922_1-923_1-924_1-925_1-926_1-927_1-928_1-929_1-930_1-931_1-932_1-933_1-934_1-935_1-936_1-937_1-938_1-939_1-940_1-941_1-942_1-943_1-944_1-945_1-946_1-947_1-948_1-949_1-950_1-951_1-952_1-953_1-954_1-955_1-956_1-957_1-958_1-959_1-960_1-961_1-962_1-963_1-964_1-965_1-966_1-967_1-968_1-969_1-970_1-971_1-972_1-973_1-974_1-975_1-976_1-977_1-978_1-979_1-980_1-981_1-982_1-983_1-984_1-985_1-986_1-987_1-988_1-989_1-990_1-991_1-992_1-993_1-994_1-995_1-996_1-997_1-998_1-999_2000_2001_2002_2003_2004_2005_2006_2007_2008_2009_2010_2011_2012_2013_2014_2015_2016_2017_2018_2019_2020_2021_2022_2023_2024_2025)

### **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/MDOT/-/Media/Project/Websites/MDOT/Programs/Title-VI-Nondiscrimination/Reference-Documents/MDOT-Environment-Justice-Guidance-Document.pdf>.

Revised January 2011

**XIV. [Forms]** *(Printed forms available upon request)*

**Form #0112** – [Title VI Complaint Form](#)

**Form #0179** – [Title VI Subrecipient Annual Certification Form](#)

**Form #0198** – [MDOT Complaint Consent/Release Form](#)

Michigan Department  
of Transportation  
1486 (05/21)

## TITLE VI TRAINING ACKNOWLEDGEMENT FORM



### TITLE VI MISSION

To ensure equity and Title VI compliance in MDOT activities.

### WHAT IS TITLE VI?

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d,) related statutes and regulations provide that no person shall on the ground of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds.

### THE HEART OF TITLE VI

"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 subjected to discrimination under any program or activity receiving federal financial assistance."

### TITLE VI E-TRAINING

The training video can be found on MDOT's Title VI website at [www.Michigan.gov/titlevi](http://www.Michigan.gov/titlevi). The image where the training tool is located from our website is listed above and the [Title VI e-Training](#) tool has been highlighted for your reference.

**All employees will need to complete the following four modules:**

- **Overview of FHWA's Civil Rights Program Requirements for Local Public Agencies** (1<sup>st</sup>. header)
- **Background and Purpose** (2<sup>nd</sup>. header)
- **Nondiscrimination Assurances** (3<sup>rd</sup>. header)
- **Compliance and Enforcement** (5<sup>th</sup> header)

Once you have completed all four modules please sign where indicated below and return to Orlando Curry at Mail Code B170 or [CurryO@Michigan.gov](mailto:CurryO@Michigan.gov).

EMPLOYEE NAME <i>(Print or type)</i>	DATE
EMPLOYEE SIGNATURE	WORK LOCATION

**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 excluded from participation in, 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, subrecipients 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 [Title VI Nondiscrimination \(michigan.gov\)](mailto:Title VI Nondiscrimination (michigan.gov)) or fax to 517-335-0945.

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**Baseline Assessment Questionnaire**

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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.

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)*



**§ 26.13 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 under 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, sub recipient 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!**