

# TITLE VI NON-DISCRIMINATION PLAN PROGRAM GUIDELINES



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**EQUAL OPPORTUNITY EMPLOYER**

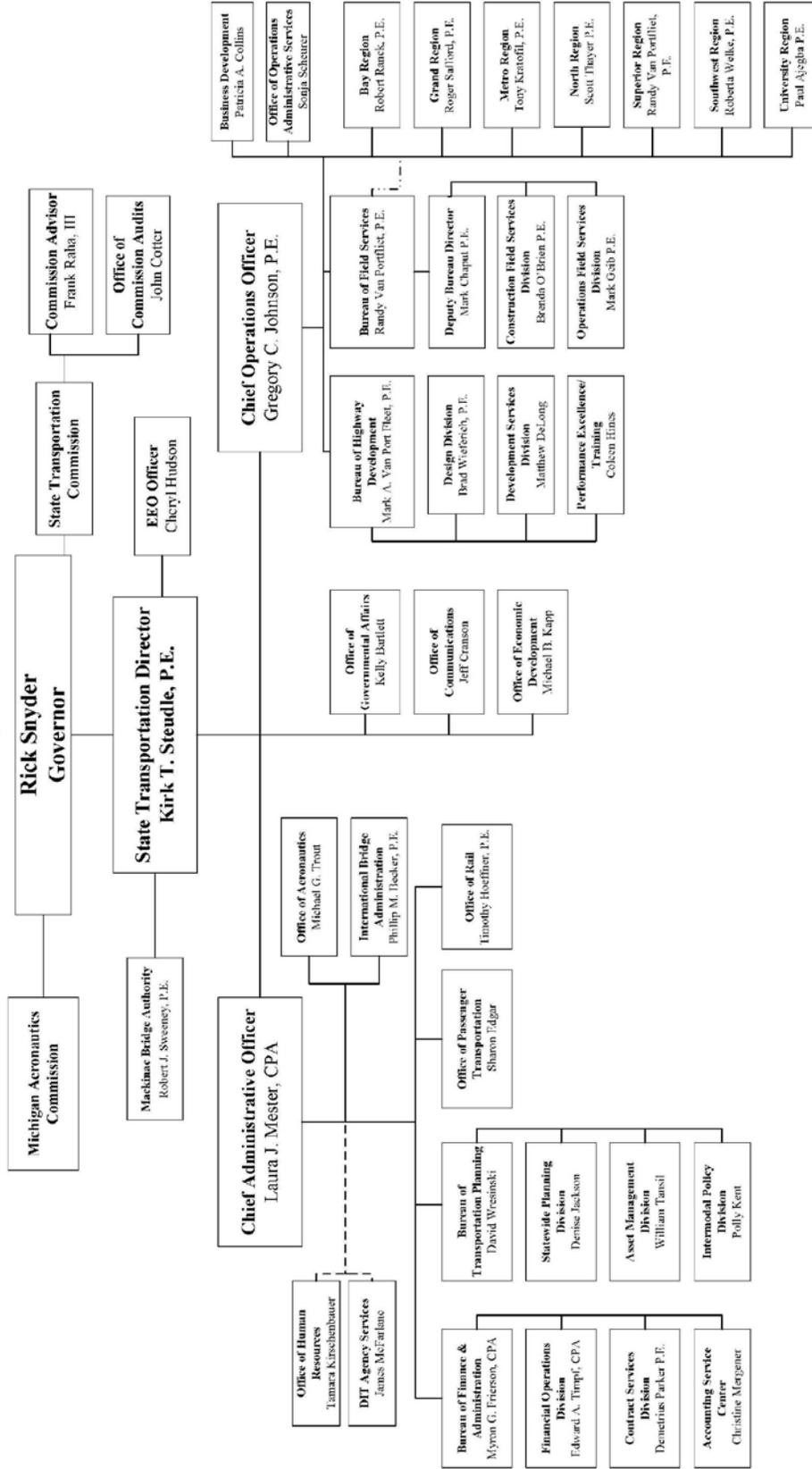
## **Table of Contents**

ORGANIZATIONAL CHART .....	4
I. INTRODUCTION .....	5
Discrimination under Title VI .....	6
Limited English Proficiency (LEP) .....	7
MDOT LEP Volunteers .....	9
Environmental Justice.....	9
II. NON-DISCRIMINATION POLICY STATEMENT.....	10
III. STATE ASSURANCES FOR NON-DISCRIMINATION .....	11
IV. REGULATORY REQUIREMENTS.....	13
V. STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE .....	15
VI. PROGRAMMATIC ROLES AND RESPONSIBILITIES .....	16
A. OFFICE OF THE DIRECTOR.....	16
1. MDOT EEO OFFICER/TITLE VI STATEWIDE COORDINATOR .....	17
a. Title VI Department Technician .....	18
b. Title VI Interdisciplinary Team .....	18
INTERDISCIPLINARY TEAM COORDINATORS.....	20
2. Mackinac Bridge Authority .....	21
3. Office of Governmental Affairs .....	21
4. Office of Communications.....	22
5. Office of Economic Development.....	22
B. CHIEF ADMINISTRATIVE OFFICER .....	23
1. Bureau of Transportation Planning.....	23
a. Statewide Transportation Planning.....	23
b. Asset Management .....	24
c. Intermodal Policy .....	25
2. Bureau of Finance and Administration .....	27
a. Financial Operations Division.....	27
b. Contract Services Division .....	27
c. Accounting Service Center.....	28
3. Office of Aeronautics.....	28
a. Airport Services Division .....	29
b. Aviation Services Division .....	30
4. International Bridge Administration .....	30
5. Office of Rail .....	31
6. Office of Passenger Transportation.....	32
C. CHIEF OPERATIONS OFFICER.....	33
1. Bureau of Field Services.....	33
a. Deputy Bureau Director.....	33
1) Construction Field Services.....	33
2) Operations Field Services .....	34
3) Research Administration .....	35
2. Bureau of Highway Development.....	36
a. Environmental Section .....	36
b. Design Division .....	38
a) Operations Division (Maintenance) Administrator .....	39

c.	Development Services Division .....	40
d.	Performance Excellence/Training Unit .....	42
3.	Region Engineers .....	42
a.	Bay Region .....	43
b.	Grand Region.....	43
c.	Metro Region .....	43
d.	North Region.....	43
e.	Southwest Region.....	43
f.	Superior Region .....	43
g.	University Region.....	43
4.	Office of Business Development .....	44
5.	Office of Operations Administrative Services .....	45
VII.	TITLE VI PLAN DISTRIBUTION .....	46
VIII.	ACCOMPLISHMENTS REPORT .....	47
IX.	ANNUAL WORK PLAN.....	47
X.	COMPLAINT PROCEDURES.....	47
	Investigations.....	49
	Retaliation.....	49
XI.	APPENDICES .....	50
i.	MDOT Title VI Assurances .....	51
ii.	Appendix A [To be inserted in all federal-aid contracts] .....	53
iii.	Appendix B [Transfer of Property].....	55
iv.	Appendix C [Permits, Leases, and Licenses].....	57
v.	Appendix D [Prohibition of Discrimination in State Contracts] .....	59
vi.	Appendix E [Definitions].....	61
vii.	Appendix F [Forms] .....	64
	Form #0106 – Sub-recipient Application for Certification of Title VI and EEO Assurances.....	65
	Form #0112 – Title VI Complaint Form .....	67
	Form #0113 – Title VI Complaint Procedures and Investigation Guidelines .....	67
	Form #0179 – Title VI Sub-recipient Annual Certification Form.....	72
	Form #0198 – MDOT Complaint Consent/Release Form.....	73

# Michigan Department of Transportation

(February, 2012)



## I. INTRODUCTION

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

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

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

As a recipient of federal financial assistance, MDOT must provide access to individuals with limited ability to speak, write, or understand the English language. The department must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race,

color or religion. Therefore, the primary goals and objectives of MDOT's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by MDOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in MDOT programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within MDOT;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in an MDOT service, program or activity.

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

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

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment."

Disparate treatment is defined as treating similarly situated persons or groups differently because of their race, color, national origin, sex, disability, or age.

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

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

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

### **Limited English Proficiency (LEP)**

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

MDOT is committed to ensuring that persons having language barriers are made equal participants early on in the development stages and throughout the life of a program, service, or activity, and that the public and the communities we serve 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 Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)*, MDOT personnel have been made aware of LEP requirements. MDOT has examined the services it provides, and has developed and implemented a system by which LEP persons can meaningfully access those services consistent with the order. (See MDOT LEP Plan at [www.michigan.gov/titlevi](http://www.michigan.gov/titlevi).)

In consideration of the impact of its programs, services, and activities on limited-English speaking populations, MDOT uses the four-factor analysis to determine how to target populations to ensure inclusion in the transportation process, as follows:

Four-Factor Analysis:

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

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

1. Administrators throughout the department have been advised of their responsibilities in regard to LEP.
2. Program area administrators have been advised that reasonable steps should be taken in order to ensure meaningful access to MDOT programs and activities by limited-English speaking people.
3. Individuals planning public meetings understand their responsibility to review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
4. MDOT has contracted with an interpreter service, which is available 24 hours per day, 7 days per week. All program area and region personnel have access to an immediate interpreter of more than 100 languages. This service is available by contacting:

Bromberg & Associates  
3320 Caniff St.  
Hamtramck, MI 48212  
Phone: 313-871-0080  
Fax: 888-225-1912  
E-mail: [translator@brombergtranslations.com](mailto:translator@brombergtranslations.com)

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

In addition to the aforementioned measures, MDOT is pleased to designate 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

LANGUAGE	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN SIGN LANGUAGE	Susan Laurin	989-754-0784, ext. 221			
AMERICAN SIGN LANGUAGE	Brian Walsh	517-241-2735			
ARABIC	Mohammad Hammad	517-636-0289	X	X	X
ARABIC	Ghazi Mustafa	517-324-2285	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
FARSI	Gisso Shams	517-241-0232	X	X	X
FRENCH	Jeanne Day-LaBo	517-373-9246	X	X	X
FRENCH	Michael Odette	248-483-5192	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
HINDI	Gian Taneja	517-322-6181	X	X	X
MANDARIN	Zhizhen Liu	269-327-4499, ext. 223	X	X	X
PUNJABI	Gian Taneja	517-322-6181	X	X	X
RUSSIAN	Levon Arakelov	517-241-0081	X	X	X
RUSSIAN	Ken Tiffany	517-373-2625	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Michael Odette	989-274-6589	X	X	X
TAGALOG	Angel Fandialan	517-335-2577	X	X	X
TURKISH	Michael Odette	248-483-5192	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

### Environmental Justice

MDOT will continually monitor projects and programs prior to implementation that may have an adverse impact on the public and communities. MDOT 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 MDOT Environmental Justice Plan on the MDOT Web site: [www.michigan.gov/titlevi](http://www.michigan.gov/titlevi).)

## II. NON-DISCRIMINATION POLICY STATEMENT

The Michigan Department of Transportation (MDOT) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. MDOT assures that no person shall, on the grounds of race, color, national origin, religion, sex, age, or disability, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MDOT service, program, or activity, whether or not the program, service, or activity receives federal financial assistance. The department further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs, services, and activities on any person, including minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.

Title VI is a condition of receipt of federal funds. In the event MDOT distributes federal funds to a sub-recipient, the sub-recipient will include Title VI assurances in all written agreements and will monitor for compliance. Assurance of compliance therefore falls under the proper authority of the recipient (MDOT), pursuant to this budgetary authority and responsibility. The director is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

MDOT will comply with all federal regulations and report complaints of discrimination to the federal agency responsible for compliance oversight including the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice (DOJ), and other state and federal civil rights anti-discrimination agencies as required by law. Complaints will be responded to and investigated by the MDOT Equal Employment Opportunity/Title VI Statewide Coordinator. MDOT will not tolerate discrimination against any person in any of its programs, services, and activities, whether those programs, services, or activities are federally funded or not.

  
\_\_\_\_\_  
Kirk T. Steudle, P.E., Director

DEC 02, 2012  
Date

### III. STATE ASSURANCES FOR NON-DISCRIMINATION

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, the State of Michigan, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after Aug. 23, 1968, will be provided without regard to race, color, creed, sex, or national origin.

More specifically, and without limiting the above general assurance, the Michigan Department of Transportation hereby gives the following specific assurances:

1. The Michigan Department of Transportation will establish an equal opportunity program in furtherance of the above general assurance, which shall include a system to ascertain whether contractors and sub-contractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The Michigan Department of Transportation will furnish such information and reports regarding contractor and sub-contractor compliance as may be requested by the Federal Highway Administration.
2. The Michigan Department of Transportation's transportation program shall include effective procedures to assure that discrimination on the grounds of race, color, religion, disability, sex, age, or national origin will not be permitted on any project and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The Michigan Department of Transportation has appointed an Equal Opportunity Officer whose primary duty shall be to administer MDOT's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The Michigan Department of Transportation will, on its own initiative, take affirmative action, including the imposition of contract sanctions, and the initiation of appropriate legal proceedings under any applicable state or federal law to achieve equal employment opportunity on federal-aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.
5. The Michigan Department of Transportation will establish and maintain effective liaison with public and private agencies and organizations which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to, labor unions, contractor associations, minority group organizations, the U.S. and State Employment Services, the U.S. and State Department of Labor.
6. The Michigan Department of Transportation hereby agrees that it will seek the cooperation of unions, contractors, appropriate state agencies and other related organizations in the establishment of skill training programs, and will assure that all persons will have an opportunity to participate in such programs without regard to race, color, religion, disability, sex, age, or national origin.

7. The Michigan Department of Transportation hereby agrees that its own employment policies and practices with regard to Michigan Department of Transportation employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, disability, sex, age, or national origin.
8. The Michigan Department of Transportation shall include the advertised specifications notification of the specific equal employment opportunity responsibilities of the successful bidder as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the prequalification of federal-aid contractors and sub-contractors to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance for implementation by Dec. 1, 1968.
9. The Michigan Department of Transportation will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by the Michigan Department of Transportation with this assurance.

  
\_\_\_\_\_  
Kirk T. Steudle, P.E., Director

DEC 02, 2012  
Date

#### **IV. REGULATORY REQUIREMENTS**

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

1. 23 CFR 200.9(b)(1) – Establish a civil rights unit and designate a coordinator.
2. 23 CFR 200.9(b)(2) – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
3. 23 CFR 200.9(b)(3) – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly by the state and not by FHWA.
4. 23 CFR 200.9(b)(4) – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
5. 23 CFR 200.9(b)(5) – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Development Services, Passenger Transportation, Aeronautics, Highway Development, Office of Business Development, etc.
6. 23 CFR 200.9(b)(6) – Conduct Title VI reviews of special emphasis areas to determine the effectiveness. Some of MDOT's special programs include, the Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT) Program, Engineering Apprenticeship Program, Student Assistant programs, etc.
7. 23 CFR 200.9(b)(7) – Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.
8. 23 CFR 200.9(b)(8) – Review MDOT directives in coordination with state program officials and, where applicable, include Title VI and related requirements.
9. 23 CFR 200.9(b)(9) – Conduct training programs on Title VI and related statutes for state program and civil rights officials.
10. 23 CFR 200.9(b) (10) – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
11. 23 CFR 200.9(b)(11) – Submit updated Title VI implementing plan to the Regional Federal Highway Administrator (FHWA) for approval or disapproval.
12. 23 CFR 200.9(b)(12) – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.

13. 23 CFR 200.9(b)(13) – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
14. 23 CFR 200.9(b)(14) – Establish procedures to identify and eliminate discrimination where found.
15. 23 CFR 200.9(b)(15) – Establish procedure for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.
16. Executive Order 12898 – Ensure that Environmental Justice principles are integrated into procedures and programs.
17. Executive Order 13166 – Ensure that appropriate LEP processes and procedures are implemented.

#### Related Laws and Statutes

18. Civil Rights Restoration Act of 1987 – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
19. Section 504 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of a disability.
20. American's With Disabilities Act of 1990 – Prohibits discrimination on the basis of a disability.
21. Section 324 of the Federal-Aid Highway Act – Prohibits discrimination on the basis of sex.
22. Uniform Relocation Assistance and Real Property Acquisition Act of 1970
23. 42 USC 6101 – Prohibits Age discrimination in any program receiving federal financial assistance.
24. 49 CFR Part 21 and 23 CFR Part 200 - Describes USDOT and FHWA prohibitions against discrimination.
25. Title VII of the Civil Rights Act of 1964 – Prohibits discrimination on the basis of race, color, religion, sex, and national origin.
26. Michigan's Elliott-Larsen Civil Rights Act – Prohibits discrimination on the basis of based on race, color, religion, sex, national origin, height, weight, and marital status.

## **V. STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE**

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

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

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

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

1. MDOT EEO OFFICER/TITLE VI STATEWIDE COORDINATOR
  - a. Title VI Department Technician
  - b. Title VI Interdisciplinary Team
  - c. Interdisciplinary Team Coordinators
2. Mackinac Bridge Authority
3. Office of Governmental Affairs
4. Office of Communications
5. Office of Economic Development

### **B. CHIEF ADMINISTRATIVE OFFICER**

1. Bureau of Transportation Planning
  - a. Statewide Transportation Planning
  - b. Asset Management
  - c. Intermodal Policy
2. Bureau of Finance and Administration

- a. Financial Operations Division
  - b. Contract Services Division
  - c. Accounting Service Center
3. Office of Aeronautics
    - a. Airport Services Division
    - b. Aviation Services Division
  4. International Bridge Administration
  5. Office of Rail
  6. Office of Passenger Transportation

#### C. CHIEF OPERATIONS OFFICER

1. Bureau of Field Services
  - a. Deputy Bureau Director
    - 1) Construction Field Services
    - 2) Operations Field Services
    - 3) Research Administration
2. Bureau of Highway Development
  - a. Design Division
  - b. Development Services Division
  - c. Performance Excellence/Training
3. Region Engineers
  - a. Bay Region
  - b. Grand Region
  - c. Metro Region
  - d. North Region
  - e. Southwest Region
  - f. Superior Region
  - g. University Region
4. Office of Business Development
5. Office of Operations Administrative Services

## VI. PROGRAMMATIC ROLES AND RESPONSIBILITIES

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

### A. OFFICE OF THE DIRECTOR

The MDOT Director reports to the Governor of the State of Michigan. The Director, in conjunction with the Chief Operations Officer and the Chief Administrative Officer, is responsible for ensuring compliance and implementation of the department's Title VI

Plan and related civil rights statutes, directives, and regulations throughout the department. The Director has delegated the day-to-day implementation and monitoring responsibilities of the Title VI Plan and related civil rights statutes to the MDOT EEO Officer/Title VI Statewide Coordinator, and the Interdisciplinary Team, with support and assistance from the MDOT Leadership Team.

## **1. MDOT EEO OFFICER/TITLE VI STATEWIDE COORDINATOR**

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

1. Monitor and review department programs, policies, and activities for Title VI compliance in primary and special emphasis areas.
2. Conduct Title VI reviews of all MDOT program areas.
3. Gather and analyze data gathered by the Interdisciplinary Team regarding Title VI impacts in bureaus, offices, and regions and produce reports as required by federal authorities, including FHWA, FTA, and the USDOT.
4. In accordance with CFR 21, Section 200.9(b) (10) & (11), an annual report of Title VI accomplishments for the past year is submitted to the FHWA at the end of the fiscal year, on or before Dec. 1. The report will compile the activities and accomplishments of all program areas, and shall demonstrate MDOT compliance with Title VI. Requirements for compliance are outlined in Section IV – Regulatory Requirements - of this Plan.
5. Conduct triennial Title VI reviews of sub-recipients, i.e., cities, counties, villages, suppliers, universities, and other recipients of federal funds.
6. Participate in Title VI reviews of Metropolitan Planning Organizations (MPOs) conducted by FHWA.
7. Collect and review statistical data (race, color, sex, age, disability or national origin) of participants and beneficiaries of state highway programs, e.g., relocatees, affected citizens, and impacted communities, to prevent or eliminate potential disparate impact or disparate treatment discrimination.
8. Conduct awareness training on Title VI, Environmental Justice, LEP and other related statutes for MDOT employees, and sub-recipients of federal transportation funds to identify, prevent and eliminate discrimination.
9. Prepare a yearly report of Title VI accomplishments and goals, as required by federal authorities.

10. Attend DBE conferences and other civil rights seminars to stay abreast of federal requirements, implementation, and expectations by the federal government.
11. Update Title VI Program Guidelines as necessary to ensure maximum effectiveness and compliance.
12. Develop and maintain an internal and external Web site for dissemination of Title VI information and related statutes, directives, and regulations to the general public and in languages other than English.
13. Draft and develop correspondence, literature, publications, and brochures for dissemination to the public, and in languages other than English based on community demographics.
14. Ensure completion and dissemination of the Environmental Justice and LEP plans.
15. Establish procedures for promptly resolving deficiency status and reduce to writing the appropriate remedial action. Ensure deficiency status is corrected within a period not to exceed 90 days.
16. Receive, promptly process, and resolve Title VI complaints against sub-recipients, and provide assistance to federal authorities when the complaints are against the state transportation agency.

**a. Title VI Department Technician**

The purpose of this position is to assist the MDOT EEO Officer in implementing and monitoring civil rights programs in compliance with state and federal law: Title VI, Environmental Justice, LEP, Title VII, MELCRA, ADA/504 of the Rehabilitation Act, Title II and other related statutes. This position will assist in ensuring that MDOT's program areas and their functions comply with federal mandates to prohibit discrimination in the aforementioned civil rights laws. As the assistant, this position must work in cooperation with the MDOT EEO Officer to provide oversight for monitoring, implementation, and production of reports of all program activities, including complaint investigation and reporting, training, compliance reviews of sub-recipients, organization and compilation of records and databases, interpretation of demographic information, annual reports, and other related program activities as they may arise. The incumbent will be privy to sensitive information and is expected to maintain confidentiality.

**b. Title VI Interdisciplinary Team**

In January 2002, the MDOT Director supported the implementation of the MDOT Title VI Interdisciplinary Team. The Director invited MDOT bureau directors, administrators, managers, and region engineers to attend a Title VI implementation session conducted by the FHWA, Midwestern Resource Center, and the Wisconsin Department of Transportation. As a result of the meeting, the "Title VI Interdisciplinary Team" was established. The impetus for the formulation of this team was based on guidance provided by FHWA, *"Preventing*

*Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach.*” MDOT’s Title VI Interdisciplinary Team is made up of individuals designated as coordinators from each program area and region. The interdisciplinary team approach to Title VI compliance provides an opportunity for coordinators to work together to develop procedures related to Title VI compliance. This approach also helps to prevent the duplication of efforts and provides a forum for sharing concerns, ideas, and problem solving related Title VI compliance and impacts.

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

## INTERDISCIPLINARY TEAM COORDINATORS

<a href="#">Name</a>	<a href="#">Bureau/Office</a>	<a href="#">Phone Number</a>
Adams, Frank	Office of Business Development	313-965-2355
Azam, Mohammad	Construction Field Services	517-636-0832
Becker, Phil	International Bridge Administration	906-635-5255, ext. 112
Bevins, Vince	Superior Region	906-786-1830, ext. 315
Edwards, Julie	Metro Region	248-483-5114
Finch, Mary	Federal Highway Administration	517-702-1853
Harden, Darrell	Southwest Region	269-337-3134
Hostetler, Lori	Office of Passenger Transportation	517-373-2907
Hudson, Cheryl	Executive Bureau	517-373-0980
Langhorst, David	North Region	989-732-3832
Koenig, Jim	Bureau of Transportation Planning	517-373-1881
Kowatch, Germaine	Construction Field Services	517-322-1741
Luo, Elaine	Office of Passenger Transportation	517-335-2552
Martin, Kari	University Region Planner	517-750-0407
Mullins, Jill	Contract Services Division	517-373-1576
Noblet, Lori	Bureau of Transportation Planning (Environmental Justice)	517-335-2906
Parsons, Bob	Bureau of Transportation Planning	517-373-9534
Peterson, Brad	Design Division	517-335-1912
Redmond, Steve	Grand Region	616-451-3095
Reithel, Jay	Bay Region Planner	989-621-1474
Shams, Gisso	Traffic and Safety	517-241-0232
Sims, Ralph	Office of Aeronautics	517-335-9458
Murchison, Damian	Development Services Division	517-373-8608
Watson, Karen	Maintenance Division	517-322-3306
Williams, Ola	Bureau of Transportation Planning	517-241-1237

## **2. Mackinac Bridge Authority**

The Mackinac Bridge Authority is responsible for setting tolls and fees for use of the bridge, and policy for its operations, preservation, and maintenance. The Mackinac Bridge Authority is committed to preserve and maintain the State of Michigan's single largest asset and one of the world's leading suspension bridges.

### Monitoring

1. Ensure the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a non-discriminatory manner.
2. Ensure that customers and stakeholders are treated fairly and equitably by Mackinac Bridge Authority personnel in performance of their duties.

### Annual Review

1. Report of the proceedings, operation and financial condition of the Authority Board and the bridge to the Governor.
2. Independent financial audit report.
3. Twenty-Year Business Plan.
4. Number of complaints made by travelers via the bridge.

## **3. Office of Governmental Affairs**

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

### Monitor

1. Ensure that legislation having potential Title VI impact is brought to the attention of the MDOT Director.
2. Work with budget office relative to the appropriations process.
3. Meet with regions to resolve legislative complaint or concerns.

### Annual Review

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

#### **4. Office of Communications**

The Office of Communications (OOC) represents MDOT's interests to the public and to the media. The OOC also provides guidance to MDOT personnel in preparing external communication regarding MDOT standards and style, including newsletters, reports, brochures, fliers, Web copy, presentations and other forms of communication that are available to the public, employees, media, and interested parties. The OOC also provides Freedom of Information Act (FOIA) requests to the public and must ensure compliance with any reasonable and legitimate request.

Monitor

1. Number of FOIA requests relative to Title VI complaints.
2. All documents, correspondence, presentations, information prepared for dissemination does not contain any offensive or discriminatory content.
3. Ensure public hearings are accessible to the public, including LEP persons and persons with disabilities.
4. Provide a reasonable accommodation to persons requesting the same.

Annual Review

1. Number of complaints.
2. Number of public involvement meetings conducted.
3. Number of accommodations made at public meetings.
4. Number of interpreters utilized at public meetings.

#### **5. Office of Economic Development**

The goal of the Office of Economic Development is to administer three funds that may be utilized to improve the quality of life for Michigan citizens and residents through the creation of jobs and retention of the local tax bases in Michigan communities.

Monitor

1. Ensure that non-discrimination occurs when deciding who to distribute funds/grants to for community projects.
2. Ensure that eligible recipients whose projects meet the minimum requirements will be encouraged to submit full applications for consideration.
3. Provide feedback to communities who were not successful in obtaining grants.

## Annual Review

1. Number of complaints by minority communities.
2. Number of minority or disadvantaged communities considered for funding.
3. Number of jobs provided to minority populations and low-income populations.
4. Number of grants distributed to minority populations and low-income populations.

## **B. CHIEF ADMINISTRATIVE OFFICER**

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

### **1. Bureau of Transportation Planning**

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

#### **a. Statewide Transportation Planning**

##### Monitor

1. The overall strategies and goals of the transportation process are to ensure Title VI compliance by monitoring the utilization of demographic information to identify minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations, and examine distributions of the benefits/burdens of the transportation plans and activities of these groups.
2. The service equities of the planning data collection and analysis for impacts on different socio-economic groups.
3. Environmental Justice (E.O. 12898) issues to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations that may be impacted by transportation planning programs.

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

#### Annual Review

The following information in the Bureau of Transportation Planning will be reviewed and provided in an annual report submitted to the MDOT EEO Officer at the end of the fiscal year:

1. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in the public outreach effort, and public outreach efforts made to utilize media targeted at these groups.
2. Methods to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are considered in the decision making process.
3. Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with awarded dollar value (this information is provided by the DBE Office).
4. Methods used to encourage the use of female and minority planning consultants and sub-consultants (this information is provided by the DBE Office).
5. 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.
6. Efforts made to take Environmental Justice concerns into consideration in the transportation process.
7. Title VI complaints received regarding the transportation planning or public involvement process.
8. Significant accomplishments and actions planned for the ensuing year.

MDOT planning activities that originate in the regions will be monitored by the Region Title VI Interdisciplinary Team Coordinator.

#### **b. Asset Management**

The Asset Management Division of the Bureau of Transportation Planning has the primary responsibility of assuring that, while carrying out the objective to strategically manage our transportation system in a cost-effective and efficient manner, it does so in accordance with Title VI.

## Monitor

1. Ensure that the division adheres to MDOT and State of Michigan contracting policies and procedures when contracting for training materials, the collection of data, and related support material in the course of doing business.
2. Contracts awarded when providing ongoing statewide and specialized traffic monitoring services for MDOT must follow Title VI provisions as implemented by MDOT.
3. Administer the statewide system traffic monitoring program, including development of travel measures required for management system development and federal reporting requirements, in consideration of and in compliance with Title VI.
4. Ensure that, while providing support to MDOT's strategic planning Asset Management programs, they meet Title VI provisions.
5. Ensure that the bureau's training program is non-discriminatory in coordination, content, and implementation.
6. Ensure that, while providing support to the Transportation Asset Management Council, it does so following MDOT and State of Michigan contracting policies and procedures.
7. Administer federal Highway Performance Monitoring System reporting in a non-discriminatory manor.

## Annual Review

1. Yearly, the Asset Management Division will review our processes to insure compliance with Title VI requirements while addressing the objective to strategically manage our transportation system.
2. The review will include the support provided to the Transportation Asset Management Council.

### **c. Intermodal Policy**

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

The planning activities of the division include: non-motorized and carpool parking lot programs; modal planning support to Passenger Transportation services, highway delivery and highway development bureaus; marine, freight and rail planning studies; modal project implementation activities; MDOT liaison to tribal

governments in Michigan; statewide policy Initiatives; and special taskforces and studies.

#### Monitor

1. Work with MDOT and local units of governments to provide training on Americans with Disabilities Act (ADA) requirements and specifications within the public rights of way. This training is offered as a service to enhance planning and facility design for all pedestrians. It is not offered every year but is dependent on both interest and available funds. The ADA courses align with our staff responsibility as the Pedestrian & Bicycle Coordinator for the department.
2. Monitor transportation-related legislation and policy development for effects on minority populations, tribal nations, low-income populations, persons with disabilities, all interested persons, and affected Title VI populations, as well as other considerations.
3. Record and track which carpool parking lots currently provide handicapped spaces using the Intermodal Management System. All new carpool lots, and lots that are resurfaced, are required to include at least two van accessible handicapped spots, with appropriate signs and markings. This requirement is described in the MDOT Road Design Manual.
4. Provide training on bicycle or pedestrian facilities to both MDOT employees and local communities. Over the past several years, policy staff have made a concerted effort to offer this training to economically distressed communities that often do not have the resources to otherwise obtain this type of specialized training.

#### Annual Review

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

1. Issues identified through this analysis will be discussed at the highest level of the department before a recommendation is made or a department position is taken.
2. Maintain a relationship with the 12 federally recognized tribal governments in Michigan; monitor MDOT's actions for effects on tribes and coordinate with them to resolve any issues.
3. There is a yearly survey of all carpool lots, and any issues identified are delegated to the region office, transportation service center (TSC) for resolution.
4. An annual summary of ADA training, including locations and number of attendees, is provided upon request.

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

## **2. Bureau of Finance and Administration**

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

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

### **a. Financial Operations Division**

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

### **b. Contract Services Division**

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

Monitor

1. Monitor federal-aid construction/consultant contracts and sub-contracts to ensure they contain Title VI assurances.
2. Ensure that the appropriate training special provisions are included in prime and sub-contractor contracts.

3. Assist in establishing the appropriate level of DBE participation on federal-aid highway construction projects.
4. Ensure that contracts are properly executed and that complaints involving delinquent payments are discussed with field staff.
5. Establish procedures to review and monitor contractors and sub-contractors for compliance with Title VI.
6. Review corrective plans prepared by contractors when areas of deficiency with regard to Title VI deficiencies are identified.
7. Report construction contract complaints with potential Title VI implications to the MDOT EEO Officer immediately upon receipt.

#### Annual Review

The following information in the area Finance and Administration will be provided in an annual report to the MDOT EEO Officer no later than October 5 each year:

1. Number of construction contracts awarded and the dollar amount.
2. Number of contractors defaulting on contracts with DBE percentages.
3. Number of DBE contractors or sub-contractors defaulting on contracts.
4. Title VI complaints received during the reporting period.
5. Significant accomplishments and actions planned for the next fiscal year.

#### **c. Accounting Service Center**

The Accounting Services Division is responsible for processing payments to vendors and employees, billing and collecting revenues, and maintaining general ledger accounts records for four state departments: Transportation, Agriculture, Natural Resources, and Environmental Quality.

### **3. Office of Aeronautics**

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

The Office 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 the Office. The Office is also involved in the publication of an aviation safety

newsletter (via e-mail), aeronautical chart and directory, and conducts aviation safety programs statewide.

The Office of Aeronautics is primarily responsible for assuring that Aeronautics projects are executed in accordance with Title VI.

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

#### **a. Airport Services Division**

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

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

##### Monitor

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

##### Annual Review

1. Number of FAA-funded construction contracts and the dollar amount.
2. Number of DBE (minority and female-owned) firms utilized and the dollar amounts of the contracts.
3. Significant accomplishments and actions planned for the ensuing year;

4. Efforts made to increase female and minority participation in obtaining contracts.
5. Efforts made to increase participation of female and minority-owned consulting and construction firms in the selection process.
6. Report complaints to the MDOT EEO Officer.

**b. Aviation Services Division**

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

Monitor

1. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance.
2. Report complaints with potential Title VI implications to the MDOT EEO Officer immediately upon receipt.
3. Ensure the administrative policies and procedures are applied in a non-discriminatory manner.
4. Number of air traveler complaints which are based upon discrimination, and forward these to the USDOT.

Annual Review

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

**4. International Bridge Administration**

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

## Monitor

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

## Annual Review

1. Report of the proceedings, operation and financial condition of the Authority Board and the bridge to the Governor.
2. Independent financial audit report.
3. Produce Five-Year Business Plan.
4. Number of complaints made by travelers via the bridge.
5. Number of public involvement meetings.

## **5. Office of Rail**

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

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

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

## Monitor

The OR will comply with the Title VI monitoring requirements of the FRA and FTA. If the office has projects selected for grant awards by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, as well as MDOT's EEO

Officer/Title VI Statewide Coordinator, to assure compliance with FHWA's Title VI monitoring guidelines.

#### Annual Review

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

## **6. 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, intercity service program, and intercity capital program. Each program area will ensure federal funds are equitably distributed to the sub-recipients in accordance with Title VI and that all sub-recipients that receive federal funds through OPT comply with Title VI requirements. The OPT Administrator has appointed a Title VI Coordinator, through the Transportation Services Section (TSS) Manager, to assist with this responsibility. The Title VI Coordinator works as a liaison between OPT and the MDOT Title VI Statewide Coordinator, as well as between OPT and the Federal Transit Administration (FTA) Region V Civil Rights Specialist, for technical support related to Title VI requirements. The OPT Title VI Coordinator also works with OPT's federal compliance review team coordinators in developing a Title VI compliance checklist; assists TSS management in sending out letters to sub-recipients that outline Title VI requirements, developing samples for the Title VI Plan and LEP plans to facilitate the development of these plans, as well as provide to the sub-recipients FTA Circular 4702.1A, [Title VI and Title VI-Dependent Guidelines for FTA Recipients](#) to enhance their understanding of the Title VI requirements, and will coordinate to address new requirements under the new circulars.

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

For more information on how OPT will adhere to FTA Title VI requirements, please see the MDOT FTA Title VI Non-discrimination Plan, which can be found on our Web site at [www.michigan.gov/titlevi](http://www.michigan.gov/titlevi).

#### Monitor

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

## Annual Review

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

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

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

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

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

##### **a. Deputy Bureau Director**

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

##### **1) Construction Field Services**

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

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

Monitor

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

## Annual Review

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

### **2) Operations Field Services**

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

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

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

#### Monitor

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

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

#### Annual Review

The following information will be provided in an annual report to the MDOT EEO Officer/Title VI Statewide Coordinator no later than October 5 each year:

1. Title VI complaints on sub-contracts and contracts.
2. Identify areas of concern or barriers to successful participation by female or minority firms on maintenance or construction projects.
3. Efforts made to monitor the sub-contracting process to ensure that correct contract procedures have been followed and that competitive bidding was used.

### **3) Research Administration**

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

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

#### Monitor

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

The following information will be provided in an annual report to the MDOT EEO officer no later than October 5 each year:

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

## **2. Bureau of Highway Development**

The Director of the Bureau of Highway 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.

### **a. Environmental Section**

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

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

#### Monitor

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

6. Monitor environmental accomplishments and problem areas.

Annual Review

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

1. Public involvement strategies for engaging minority populations, low-income populations, LEP populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in transportation decision-making and for reducing participation barriers.
2. Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.
3. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups.
4. Methods used to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations are appropriately considered in the decision-making process.
5. Number and type of environmental documents (Environment Impact Statements (EIS), Environmental Assessments (EA) - Finding of No Significant Impact (FONSI), Record of Decision (ROD) processed for the fiscal year.
6. Summary of EA or EIS where minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations were adversely impacted and mitigation measures taken as a result.
7. Number of consulting agreements involving environmental studies and their dollar value.
8. Number of public hearings/information meetings held, the meeting location, and representative participation based on the affected populations within the project area.
9. Efforts made to take Environmental Justice concerns into consideration in the environmental process.

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

**b. Design Division**

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

Monitor

1. Monitor the public involvement processes for Design Division initiated or managed projects to improve performance and reduce barriers to participation to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.
2. Monitor compliance with the ADA on projects initiated or managed, or overseen by MDOT Design Division.
3. Monitor design exceptions for compliance with Title VI requirements.
4. Monitor compliance with E.O. 13166, LEP for public meetings initiated by Design Division to provide clear understanding of MDOT projects and programs.
5. Monitor compliance with Title VI requirements for projects initiated by local agencies with oversight by Design Division Local Agency Programs.

Annual Review

1. Number of public involvement meetings initiated by Design Division.
2. Adherence to the MDOT Design Manual to ensure projects are in compliance with the ADA.

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.

**a) Operations Division (Maintenance) Administrator**

The Division of Operations has the primary responsibility of maintaining, preserving, and operating our integrated highway system. The division is made up of seven sections: Roadway & Facilities Operations, Structure & Sign Maintenance, Safety & Security Administration, System Operations & Management, Traffic Operations, Safety Programs, and Signal Operations. The division has a Title VI Coordinator who will work with staff to ensure compliance with all requirements.

Services provided by the division include emergency and maintenance bridge work, salt/sand usage reporting, contracting, and statewide overhead sign, signal and sign fabrication. Other services include planning, design, construction, maintenance, and management of Michigan Welcome Centers.

Our Statewide Services Unit provides carpentry, electrical, plumbing and building services to the regions and central office staff statewide. The Adopt-A-Highway program is made up of volunteers designed to help keep the state's highway roadsides clean.

The ITS (Intelligent Transportation Systems) Unit uses advanced technology to provide traveler information to reduce traffic congestion and improve motorist safety.

The Traffic Incident and Management Unit provides a comprehensive program that includes incident tracking and partnering with other stakeholders, such as fire departments and law enforcement, to ensure safety for our motorists.

The Congestion and Mobility Unit provides congestion and mobility programs, while the Work Zone Management and Mobility Unit 34 provides training to staff statewide to ensure that work zone processes and regulations are followed.

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

#### Monitor

1. Monitor contract agency contracts including county and municipality to ensure they contain Title VI provisions.
2. Ensure that Title VI provisions are included in IDS and Chemical Storage contracts.
3. Monitor the sub-contracts over \$25,000 to make sure that the projects have been advertised and that competitive selection process was utilized.
4. Ensure that contract agencies have advertised and awarded contracts in accordance with Chemical Storage Facility Program guidelines and procedures.
5. Monitor the Adopt-A-Highway Program to ensure equal access to all volunteers.
6. Ensure that all issues or complaints regarding Title VI are promptly reported to the MDOT EEO Officer.

#### Annual Review

1. The following information will be provided in an annual report to the MDOT EEO officer no later than October 5 each year:
2. Title VI complaints on sub-contracts and contracts.
3. Identify areas of concern or barriers to successful participation by female or minority firms on maintenance or construction projects.

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

### **c. Development Services Division**

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

#### Monitor

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

2. Monitor diversification in the use of fee appraisers and negotiators.
3. Monitor use of staff appraisers and consultants from the approved fee appraiser list.
4. Monitor efforts made to ensure that female and minority appraisers are provided equal opportunity to participate in the bid process.
5. Ensure equitable treatment of persons displaced by transportation projects, regardless of race, color, national origin, sex, or disability.
6. Monitor efforts taken to overcome language barriers during right-of-way negotiations.
7. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance during the right-of-way process.

#### Annual Review

The Development Services Division will provide the following information in an annual report submitted to the MDOT EEO Officer/Title VI Statewide Coordinator no later than October 5 each year:

1. Number of consultants utilized; number of female and minority consultant fee appraisers, and efforts made to increase participation of female and minority consulting firms.
2. Number of staff utilized, including the number of female and minority staff appraisers, and efforts made to increase participation of females and minorities in the appraiser process.
3. Efforts made to provide information in the appropriate language during negotiations include the number of times an interpreter was used.
4. Number of relocations of female, minority, elderly, low-income, and persons with disabilities.
5. Concerns raised, if any, by female, minority, elderly, low-income, and persons with disabilities who were relocated.
6. Number of relocation assistance contracts awarded, as well as the number of female or minority firms utilized and efforts made to encourage female and minority firm bidding;
7. Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance and payments, failure to provide language assistance, and the failure to provide reasonable accommodation to persons with disabilities during the negotiation process.
8. Significant accomplishments and actions planned for the following year.

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

#### **d. Performance Excellence/Training Unit**

The Performance Excellence/Training Unit is primarily responsible for providing business skills training for department staff.

Monitor

1. Ensure that policies and procedures for providing business skills training are applied in a non-discriminatory manner;
2. Ensure trainers adhere to MDOT policies of non-discrimination;
3. Ensure accessibility and reasonable accommodations are made for all participants requiring an accommodation.

Annual Review

The following information in the area of Performance Excellence will be provided in an annual report to the MDOT EEO Officer/Title VI Statewide Coordinator no later than October 5 each year:

1. Information on the number of participants in classes provided by the department, including gender and race.
2. Information on the number of participants in the department's Education Support Program, including gender and race.
3. Report any complaints of discrimination to the MDOT EEO Officer/Title VI Statewide Coordinator.

### **3. Region Engineers**

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

The names of each MDOT region are:

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

## Monitor

1. An Interdisciplinary Team Coordinator is based in each region. Acting with the authority of the region engineers, they are responsible for monitoring whether procedures and practices within the region offices and TSCs are applied fairly, equitably, and in a non-discriminatory manner, in accordance with Title VI, E.O. 12898 (Environmental Justice), and E.O. 13166 (LEP). Concerns regarding compliance are shared with the applicable Region Engineer to determine the appropriate actions.
2. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and non-motorized) activities assigned to the regions to ensure compliance with Title VI provisions;
3. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and non-motorized) contracts and sub-contracts assigned to the regions to ensure the sub-recipients comply with Title VI provisions;
4. Examples of related activities include, but are not limited to the following:
  - a. Ensuring that stakeholder and partner engagement efforts and project decisions consider Title VI provisions, including all necessary mitigation strategies.
  - b. Verifying that work activities contracted or sub-contracted to DBE sub-recipients are completed appropriately, offering training assistance when needed.
  - c. Confirming that sub-recipients and employees of sub-recipient receive timely and proper wages and payments, following timely contract payment and wage determination procedures.
  - d. Ensuring that sub-recipients properly post notices of Title VI provisions for their employees' awareness at each field location of contract work, reviewing the job posters at each project site.
  - e. Completing region real estate transactions in a manner consistent with provisions of Title VI and all other applicable laws.
  - f. Ensure that MDOT projects are constructed in accordance with current ADA standards, address ADA complaints in accordance with current policy and procedures, and consult as needed with accessibility and mobility experts.

#### Annual Review

Coordinators gather and provide data to the MDOT EEO Officer for the annual update no later than October 5, including the accomplishment report required by the FHWA.

### **4. Office of Business Development**

The Office of Business Development oversees management of the Reports & Analysis and Field Services sections. Primary responsibilities include DBE goal setting and conferences, as well as the implementation of all DBE supportive services activities, i.e., DBE Program, development of initiatives supporting small businesses, DBE Program training and support, DBE outreach, producing and updating DBE Program procedures, DBE reimbursement programs, oversight of the Reports & Analysis analysts/staff, implementation of certification and compliance activities, DBE certification, participating in the Michigan Unified Certification Program, DBE commercially useful function reviews, Equal Opportunity contractor compliance reviews, On-the-Job Training (OJT) Program implementation and monitoring, and reporting activities to FHWA and MDOT leadership, as well as oversight of the Field Services staff.

#### Monitor

1. Ensure that provisions of the DBE Program procedures are being implemented with respect to federal-aid construction contracting and sub-contracting in a -- non-discriminatory manner.
2. Establish the appropriate level of DBE participation on federal-aid transportation construction projects.
3. Implement and monitor the OJT Program.
4. Conduct Equal Opportunity (EO) Contractor Compliance reviews annually.

#### Annual Review

1. Number of DBE certification reviews, approvals and denials by sex and ethnicity of applicants.
2. Complaints received by complaint type, i.e., sex, ethnicity, and disposition.
3. Number, sex, and ethnicities of DBE firms receiving contracts in the fiscal year and the dollar amount.
4. Number, sex and ethnicities of OJTs placed/working in the fiscal year.
5. Number of contractor compliance reviews.
6. Number of contractors found in non-compliance with DBE, EO or OJT requirements by sex, ethnicity, and program.

## **5. Office of Operations Administrative Services**

The primary responsibility of the Office of Operation Administrative Services is administrative and operational support to Highway Operations statewide. The core areas of responsibility are budget, personnel (including administration and oversight of the department's Co-op Program and Youth Development and Mentoring Program [YDMP]), information technology business needs, and audit liaison functions for Highway Operations statewide, as well as department/statewide for fleet and facilities administration and operations.

### Monitor

1. Ensure office administrative policies and procedures are applied in a non-discriminatory manner.
2. Ensure that Title VI assurances are contained in the terms of Fleet and Facilities contracts.
3. Ensure equal opportunity exists for minority and DBE-owned companies.
4. Monitor the diversification in the selection of Co-op and YDMP applicants.
5. Address ADA facility complaints in accordance with current policy and procedures.

### Annual Review

1. Gather and provide data to the MDOT EEO Officer/Title VI Statewide Coordinator for the annual update and accomplishment report no later than October 5 as required by the FHWA.
2. Provide statistical information and reports, including a demographic profile of the participants in the Co-op Program and the YDMP.
3. Number of Facilities and Fleet contracts awarded to DBEs.

## VII. TITLE VI PLAN DISTRIBUTION

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

### Internal Distribution:

1. Bureaus, Divisions, Offices, Regions, TSCs
2. Special Emphasis areas
3. Interdisciplinary Team Coordinators
4. MDOT employees via Web site access, or hard copies as requested
5. Office of Human Resources, Civil Service Commission
6. Project Managers
7. Contract Selections Teams

### External Distribution:

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

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

## **VIII. ACCOMPLISHMENTS REPORT**

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

## **IX. ANNUAL WORK PLAN**

1. Review prior fiscal year accomplishment report to determine upcoming fiscal years objectives.
2. Determine the number of Title VI reviews to be conducted for the fiscal year.
3. Conduct Title VI reviews of sub-recipients.
4. Determine areas where training is needed.
5. Conduct training for project managers, local public agencies, contractors, DBEs, and government entities.
6. Investigate complaints as they arise.
7. Develop Title VI information for dissemination, and in other languages, where appropriate.
8. Meet with Interdisciplinary Team, quarterly or as needed.
9. Provide information and updates to the Executive Leadership Team.
10. Attend Title VI training and updates.
11. Prepare annual fiscal year-based report by January of the following year.
12. Conduct an LEP assessment over the next two years. Note: The MDOT LEP Plan is under construction

## **X. 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, The Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990.

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

on race, color, national origin, sex, age or disability, socio-economic status or geographical location.

### Complaint Reporting

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

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

- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the MDOT EEO Officer. If necessary, the MDOT EEO Officer will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
- c. Within 10 days, the MDOT EEO Officer will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the FHWA and the USDOT.
- d. The MDOT EEO Officer 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, sex, age, disability)
  - iv. Date of alleged discriminatory act(s)
  - v. Date of complaint received by the recipient
  - vi. A statement of the complaint
  - vii. Other agencies (state, local or federal) where the complaint has been filed
  - viii. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint
- e. Within 60 days, the MDOT EEO Officer will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the head of the State Transportation Agency (STA). The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings

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

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

## **Investigations**

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

Complaints against MDOT will be investigated by the FHWA, FTA or other federal agency having jurisdiction. Complaints against a sub-recipient will be investigated by MDOT. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The MDOT EEO Officer will gather relevant information in a fair and impartial manner, and will submit the report to the appropriate federal agency. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. An “MDOT Complaint Consent/Release Form 0198” shall be provided to all complainants.

The MDOT EEO Officer, in conjunction with the appropriate area, will determine the appropriate course of action, and the MDOT EEO Officer will prepare a Statement of Agency Decision reflecting the department’s final determination. The complainant and appropriate areas shall receive written notifications of the department’s decision. If the finding is adverse to the complainant, they will be advised of their avenues for appeal.

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

## **Retaliation**

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.

# **XI. APPENDICES**

**i. MDOT Title VI Assurances**

The Michigan Department of Transportation (MDOT), (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation (USDOT), it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (herein after referred to as the Act), and 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 (herein after referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7 (a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its entire State Transportation Program:

1. The Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(a) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. The Recipient shall insert the following notification in solicitations for bids for work or material subject to the Federal Regulations made in connection with all State Transportation Programs, and in adapted form, in all proposals for negotiated agreements:

The Michigan Department of Transportation, in accordance with Title VI of the Civil Rights Acts of 1964, 78 Stat. 252, 42 U.S.C. 2000d-2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, or disability in consideration of this award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Federal Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, this assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance shall extend to the right to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the MDOT State Transportation Program; and (b) for the construction or use of access to space on, over, or under real property acquired or improved under the MDOT State Transportation 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 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest and other participants in the Federal-Aid Transportation Program. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Director of Michigan Department of Transportation

DEC 02, 2012  
Date

**ii. Appendix A [To be inserted in all federal-aid contracts]**

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

1. Compliance with Regulations: For all federally assisted programs, the contractor shall comply with the non-discrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. Non-discrimination: The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. Solicitation for Sub-contracts, Including Procurements of Materials and Equipment: All solicitations made by the contractor, either by competitive bidding or by negotiation for sub-contract work, including procurement of materials or leases of equipment, must include a notification to each potential sub-contractor or supplier of the contractor’s obligations under the contract and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. Sanctions for Non-compliance: In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
  - a. Withholding payments to the contractor until the contractor complies; and/or
  - b. Canceling, terminating, or suspending the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of Sections (1) through (6) in every sub-contract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a sub-contractor or supplier as a

result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

### iii. **Appendix B [Transfer of Property]**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

#### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 State of Michigan all the right, title and interest of the 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 shall be binding on the Michigan Department of Transportation, its successors and assigns.

The Michigan Department of Transportation, in consideration or 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 shall on the grounds of race, color, sex, disability, 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 shall 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, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the 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 effectuate the purposes of Title VI of the Civil Rights Act of 1964.

**iv. Appendix C [Permits, Leases, and Licenses]**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add, “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

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

[Include in deeds]\*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other

requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

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

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

[Include in deeds]\*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**v. Appendix D [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.

Revised June 2011

## vi. Appendix E [Definitions]

### DEFINITIONS

(As used in Title 32 of the Code of Federal Regulations, Highways, part 200.5)

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.
2. **Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.
3. **Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.
4. **Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved, and to express needs and goals.
5. **Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
6. **Deficiency Status:** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in non-compliance by the Secretary of Transportation.
7. **Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.
8. **Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

9. Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that:
- Is predominantly born by a minority population and/or a low-income population, will be suffered by the minority population and/or low-income population, and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.
10. Facility: Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.
11. Low Income: A person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.
12. Low-Income Populations: Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.
13. MPO: Metropolitan Planning Organization (considered a sub-recipient).
14. Minority:
- Black – a person having origins in any of the black racial groups of Africa.
  - Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
  - Asian or Pacific Islander – a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
  - American Indian or Alaskan Native – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
  - White – a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
15. Minority Populations: Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.
16. Non-compliance: A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.
17. Persons: Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional sub-categories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

18. Program Area Officials: The officials in the FHWA who are responsible for carrying out technical program responsibilities.
19. Programs, Policies, and/or Activities: All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this Order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other agreements with the recipient.
20. Recipient: Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.
21. Regulations and Guidance: Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
22. State Transportation Agency: That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to the State Transportation Agency if the context so implies.
23. STIP: A five-year, Statewide Transportation Improvement Program (STIP) that includes MDOT's program, as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Michigan.
24. Sub-recipient: A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency. [Cities, counties, universities, contractors, sub-contractors, and consultants.]
25. TIP: A three-year Transportation Improvement Program prepared by a Metropolitan Planning Organization.

## **vii. Appendix F [Forms]**

# Form #0106 – Sub-recipient Application for Certification of Title VI and EEO Assurances

Michigan Department  
Of Transportation  
0106 (11/10)

## SUB-RECIPIENT APPLICATION FOR CERTIFICATION OF TITLE VI AND EEO COMPLIANCE AND ASSURANCES

Page 1 of 2

Title VI of the Civil Rights Act of 1964, related statutes and regulations provide that no person shall on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

If you need assistance completing this form or additional information, please contact us by phone at (517) 373-0980, Fax (517) 373-6457 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

COMPANY/ORGANIZATION NAME	TELEPHONE NUMBER	
STREET ADDRESS	FAX NUMBER	
P.O. BOX	CITY	
COUNTY	STATE	ZIP CODE

Recipients of federal financial assistance must comply with the following procedures for monitoring and ensuring non-discrimination in any program, service, or activity, as required by 23 CFR Appendix A of part 230 Special Provisions.

1. Sub-recipient must establish an Equal Opportunity Policy. Sub-recipient must accept as their operating policy the following: It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment without regard to their race, religion, gender, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship pre-apprenticeship, and/or on-the-job training.
2. Sub-recipient must designate and make known to MDOT an Equal Opportunity Officer. The individual appointed must be capable of effectively administering and promoting an active program of equal employment opportunity and must be assigned adequate authority and responsibility to do so.
3. The sub-recipient equal opportunity policy must be disseminated to all staff members authorized to hire, supervise, promote, and discharge employees, or who recommend such action. To ensure that the policy is known, periodic meetings of supervisory and personnel office employees must be conducted not less than once every six months.
4. All employees, prospective employees and potential sources of employees should be advised of the sub-recipients equal opportunity policy. Notices and posters setting forth the employer's equal opportunity policy must be placed in areas readily accessible to the aforementioned. The employer's/contractor's equal employment opportunity and the procedures to implement the policy must be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.
5. When advertising for employees, the sub-recipients must include, in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements must be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
6. Sub-recipients must establish a process to investigate all complaints of alleged discrimination and take appropriate corrective action, including a method to inform all complainants of their avenues of appeal. Complainants should be advised of their right to file a complaint with governmental agencies (i.e., the State recipient, the Federal agency providing funds to the state recipient, the Department of Civil Rights, the Department of Justice, etc.).

A copy of 23 CFR Appendix A to Subpart A of Part 230 Special Provisions is available upon request. It provides specific information regarding equal employment opportunity responsibilities.

NAME AND TITLE OF THE EQUAL EMPLOYMENT OFFICER (this individual must be capable of effectively administering and promoting an active equal opportunity program and is assigned adequate authority and responsibility to carry out these duties.)

NAME (Please Print)	COMPANY/ORGANIZATION TITLE (Please Print)
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I certify that I will abide by the equal employment opportunity requirements outlined in this application. I also understand the provisions of Title VI and related statutes. This certification is also my assurance that I will not discriminate on the grounds of race, color, national origin, gender, age, or disability.

AUTHORIZED CORPORATE OR ORGANIZATIONAL OFFICER	TITLE	DATE
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**NOTE: You must notify MDOT within 45 days if any of the information you provided on this application changes.**

Please return this application to:

Cheryl Hudson, EEO Officer  
Michigan Department of Transportation  
425 W. Ottawa Street  
Lansing, Michigan 48933  
(517) 373-0980  
[HudsonC1@michigan.gov](mailto:HudsonC1@michigan.gov)

**Do not write in this area below**

<b>Do not write in this area below</b>	
APPROVAL	DATE

# Form #0112 – Title VI Complaint Form

Michigan Department  
of Transportation  
0112 (06/12)

## TITLE VI – COMPLAINT FORM

Page 1 of 2

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

This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. **If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (517) 373-0980 or via FAX (517) 335-8841 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.**

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

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE

WORK TELEPHONE

FAX

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

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE NO.

WORK TELEPHONE NO.

FAX NO.

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

**Name of Agency and department or program that discriminated:**

AGENCY AND DEPARTMENT NAME

NAME OF INDIVIDUAL (if known)

STREET ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

**Date(s) of alleged discrimination:**

DATE DISCRIMINATION BEGAN

LAST OR MOST RECENT DATE OF DISCRIMINATION

**Alleged discrimination:**

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

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the bases on which you believe these discriminatory actions were taken.

*Example:* If you believe that you were discriminated against because you are African American, you would mark the box labeled *race/color* and write *African American* in the space provided.

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

- |                          |                 |                          |            |
|--------------------------|-----------------|--------------------------|------------|
| <input type="checkbox"/> | Race            | <input type="checkbox"/> | Religion   |
| <input type="checkbox"/> | Color           | <input type="checkbox"/> | Age        |
| <input type="checkbox"/> | National origin | <input type="checkbox"/> | Disability |
| <input type="checkbox"/> | Sex             | <input type="checkbox"/> | Income     |

**Explain:**

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

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

Cheryl Hudson, EEO Officer/Title VI Coordinator  
 Michigan Department of Transportation  
 425 W. Ottawa Street  
 Lansing, MI 48909  
 Phone: 517-373-0980  
 Fax: 517-373-8841  
 Email: hudsonc1@michigan.gov

# Form #0113 – Title VI Complaint Procedures and Investigation Guidelines

### Introduction

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

### Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:
  - (a) 180 days after the date of the alleged act of discrimination; or
  - (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

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

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

Cheryl Hudson  
EEO Officer/Title VI Specialist  
Michigan Department of Transportation  
425 W. Ottawa  
Lansing, MI 48933  
517-373-0980  
[Hudsonc1@michigan.gov](mailto:Hudsonc1@michigan.gov)

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

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

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

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

#### **Acceptance for Investigation**

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

#### **The Investigation**

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

*For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of:*

- *Public hearing procedures, including participation therein.*
- *The location, design, and access to a structure or facility constructed with federal financial assistance.*
- *Real estate and relocation activity.*

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

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.
4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.

# Form #0179 – Title VI Sub-recipient Annual Certification Form

This form contains interactive and dynamic features such as expandable text options. Users need Adobe 6.02 or newer to use these features

Michigan Department  
of Transportation  
0179 (07/11)

## TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM

Page 1 of 1

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

NAME OF ORGANIZATION				
NAME OF TITLE VI COORDINATOR			TITLE	
ADDRESS				
CITY		COUNTY	STATE	ZIP CODE
TELEPHONE NO.	FAX NO.	E-MAIL ADDRESS		
1.	Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator/EEO Officer.			<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to and involvement in the development process?			<input type="checkbox"/> No <input type="checkbox"/> Yes
3.	What is the number or percentage of LEP or EJ populations who were affected by the project?			
4.	How many public involvement meetings did you hold during the reporting period?			
5.	Did you provide language assistance at any of your public meetings during the reporting period? How many persons received this assistance?			<input type="checkbox"/> No <input type="checkbox"/> Yes
6.	Did you provide reasonable accommodation to persons with disabilities during the reporting period? How many?			<input type="checkbox"/> No <input type="checkbox"/> Yes
7.	Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please provide details regarding each complaint or law suit and the resolution.			<input type="checkbox"/> No <input type="checkbox"/> Yes
8.	How many contracts did you enter into with Disadvantaged Business Enterprises during the reporting period? If none, what did you do to encourage participation by DBEs?			
9.	During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities.			
10.	Please provide any comments or additional information related to the organization's Title VI Plan.			

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

NAME	TITLE	DATE
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If you have questions regarding Title VI, contact: Cheryl Hudson, EEO Officer (517) 373-0980, or [HudsonC1@michigan.gov](mailto:HudsonC1@michigan.gov) **MAIL COMPLETED FORM TO:** Cheryl Hudson, EEO Officer, Michigan Department of Transportation, 425 W. Ottawa Street, Lansing, Michigan 48933

**PLEASE SUBMIT THIS FORM BY OCTOBER 5TH OF THE REPORTING YEAR**

# Form #0198 – MDOT Complaint Consent/Release Form

Michigan Department  
Of Transportation  
0198 (01/11)

## MDOT COMPLAINT CONSENT/RELEASE FORM

NAME

ADDRESS (Include P.O. Box if applicable)

CITY

STATE

ZIP CODE

*Please read the information below, check the appropriate box, and sign this form.*

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

### CONSENT/RELEASE

- CONSENT** – I have read and understand the above information and authorize MDOT to reveal my identity to persons at the organization or institution under investigation. I authorize MDOT to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.
- CONSENT DENIED** – I have read and understand the above information and do not want MDOT to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand that this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE

DATE