

**FFY 2025**

WISCONSIN DEPARTMENT OF TRANSPORTATION  
TITLE VI  
IMPLEMENTATION PLAN WITH ASSURANCES



Office of Business Opportunity & Equity Compliance  
December 20, 2024

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## INTRODUCTION

Wisconsin Department of Transportation (WisDOT) is a recipient of Federal financial assistance from the U.S. Department of Transportation, Federal Highway Administration (FHWA). As a recipient of Federal financial assistance, WisDOT is obligated to comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. FHWA reporting guidelines require the annual submission of a Title VI Implementation Plan that is monitored and updated periodically to reflect our program and practices.

This plan is intended to be a living document that demonstrates WisDOT's commitment to deliver FHWA programming that ensures that all individuals have an opportunity to participate in, and receive the benefits of all departmental programs, services, and activities.

WisDOT welcomes your input and comments regarding this Title VI Implementation Plan. Comments should be sent to the Office of Business Opportunity and Equity Compliance (OBOEC) Director.

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## MISSION, VISION, and VALUES

### I. Title VI Standard Assurances

In accordance with USDOT Order 1050.2A, a copy of US DOT's Standard Title VI/Nondiscrimination Assurances signed by the WisDOT Secretary is attached.

### II. Wisconsin Department of Transportation Mission, Vision and Values

**MISSION:** Provide leadership in the development and operation of a safe and efficient transportation system.

**VISION:** Dedicated people creating transportation solutions through innovation and exceptional service.

**VALUES:** The WisDOT IDEA

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| <b><u>I</u>ntegrity</b>      | Building trust and confidence in all our relationships through honesty, commitment and the courage to do what is right.  |
| <b><u>D</u>iversity</b>      | Creating an environment that's inclusive of all people and opinions, and which cultivates opportunities to bring varied perspectives to our work being done and decision-making. |
| <b><u>E</u>xcellence</b>     | Providing quality products and services that exceed our customers' expectations by being professional and the best in all we do.   |
| <b><u>A</u>ccountability</b> | Being individually and collectively responsible for the impact of our actions on resources, the people we serve, and each other.   |

These dovetail completely with our Title VI efforts and will ever engage us and push us to be a better service agency and of the highest value to all we serve.

These precepts shape our perceptions of what we do in every endeavor of our organization and are posted everywhere for our employees, partners, and stakeholders to perceive and understand. Providing leadership with dedicated people whose values include positive attitudes toward one another, creating a culture of communication, building integrity, respect for all cultures and the richly diverse communities that populate our state and affect the entire world - these are WisDOT's mission, vision, and values.

## **ORGANIZATION/STAFF RESPONSIBILITIES**

### **A. Responsibility**

The WisDOT Secretary is ultimately responsible for ensuring full compliance with the provisions of Title VI, including the specific requirements in 23 CFR Part 200, *“Title VI Program and Related Statutes – Implementation and Review Procedures.”* In order to achieve compliance and promote opportunities, the Secretary of WisDOT has directed that nondiscrimination as set forth in this plan is required of all WisDOT employees.

The WisDOT Secretary has delegated Title VI responsibilities down the chain of command through administration and management to staff in each work unit to support the implementation of Title VI.

### **B. General Staff Responsibilities**

Each work unit will conduct adequate monitoring needed to identify potential Title VI issues as well as to illustrate opportunities to improve public involvement and access; and will convey the results through reports to the WisDOT Title VI Program Coordinator. General focus areas include the following:

- Appropriate Title VI language in WisDOT written documents created by and used in each work unit.
- Public involvement meetings and other activities designed to obtain public input into WisDOT programs, policies, and activities.
- The processes and documents used to solicit interest in WisDOT contract opportunities, whether construction, consulting, purchases, or other procurement vehicles.
- Appropriate Title VI language in the resulting contracts, subcontracts, and related documentation.
- The location, manner, and method used by WisDOT to deliver services to members of the public.

### **C. Title VI Office Organization and Staffing**

The Title VI Office is located at the WisDOT headquarters building in Madison within the Office of Business Opportunity and Equity Compliance (OBOEC). Primary and directly tasked Title VI staff are: OBOEC Director and Title VI Program Coordinator.

Pursuant to 23 CFR 200.9 (b), the WisDOT Secretary has established an adequately staffed Title VI Office to fulfill Title VI statutory and regulatory requirements. The Title VI Office is in the WisDOT headquarters building in Madison and is staffed by the Director of the Office of Business Opportunity and Equity Compliance (OBOEC) and the Title VI Program Coordinator. The Title VI Program Coordinator is a staff position directly responsible to the Director of the OBOEC. The OBOEC Director reports to the Division of Transportation System Development Administrator, who in turn reports directly to the WisDOT Secretary. This organization structure allows the Title VI Program Coordinator easy access to the WisDOT Secretary.

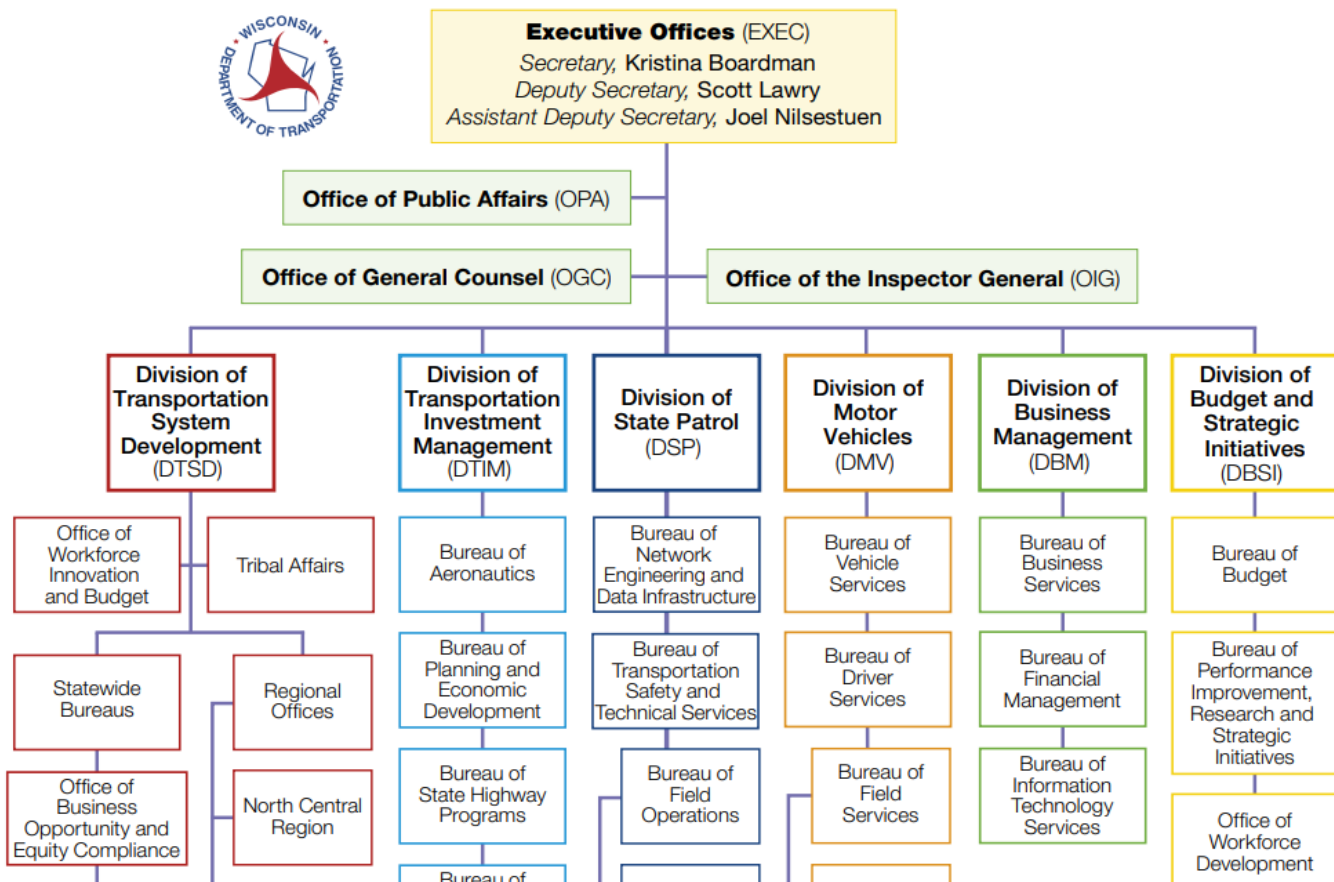
The OBOEC Director functions as the Title VI Program Manager, working collaboratively with federal and state authorities in communicating Title VI program requirements and supervising the Title VI Program staff to implement the WisDOT Title VI Implementation Plan through programs, procedures, and ongoing monitoring.

The Title VI Program Coordinator is charged with the development, implementation, and administration of the Title VI Implementation Plan. The Title VI Program Coordinator provides technical expertise, coordination, and monitoring of program requirements. Specific duties are described below.

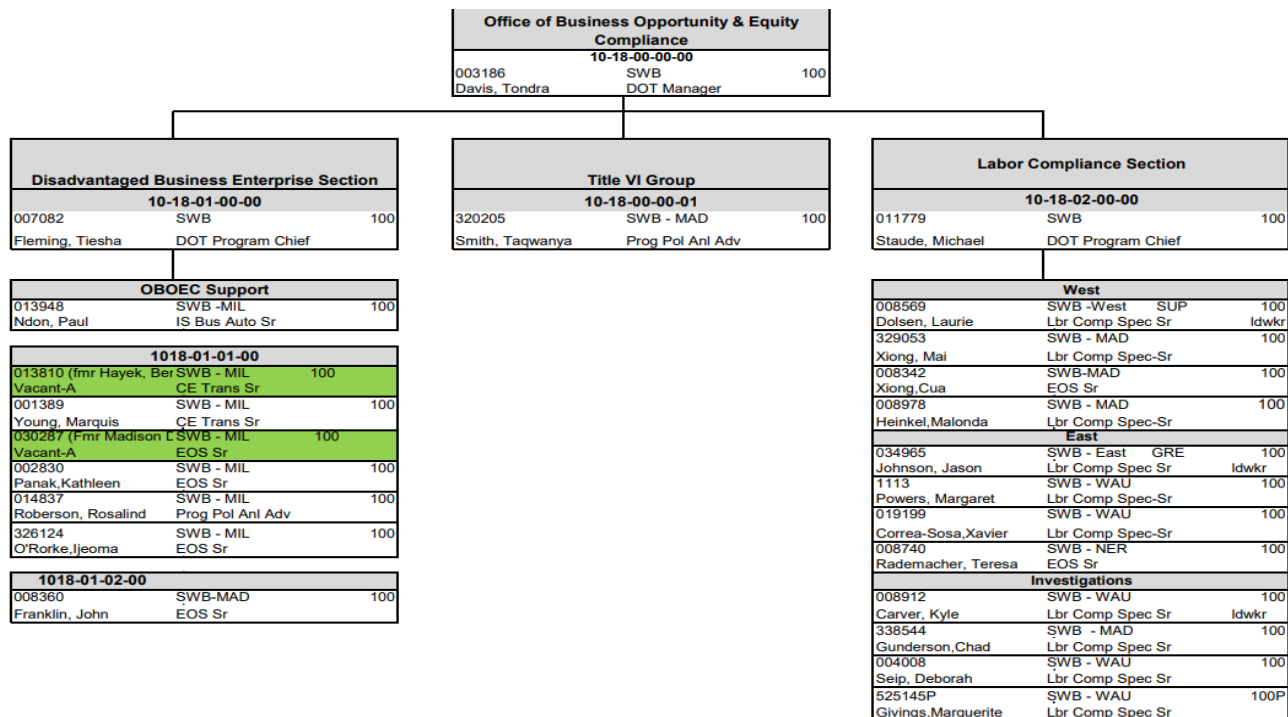
## Title VI Program Coordinator

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|---|--|
| <ul style="list-style-type: none"><li>• Develop and coordinate the implementation of the WisDOT Title VI Implementation Plan.</li><li>• Prepare the annual report of Title VI accomplishments and goals for the past and next year.</li><li>• Log and process Title VI complaints.</li><li>• Conduct annual compliance reviews of selected program areas to determine the effectiveness of program area activities.</li><li>• Conduct annual compliance reviews of subrecipients, i.e., Metropolitan Planning Organizations and Local Public Agencies to determine the effectiveness of Title VI activities.</li><li>• Create and conduct Title VI training for WisDOT staff and subrecipients.</li><li>• Provide technical assistance on Title VI matters to WisDOT staff and subrecipients.</li><li>• Coordinate agency Title VI Managing Committee quarterly meetings.</li><li>• Develop and publish Title VI information for dissemination to the public and ensure that information is translated in languages other than English when requested and appropriate.</li><li>• Participate in the identification of Title VI impacts and mitigation measures of proposed projects.</li><li>• Monitor WisDOT procedures and programs for compliance with Title VI requirements in all program areas.</li><li>• Attend public involvement meetings or hearings involving Title VI issues.</li></ul> | <ul style="list-style-type: none"><li>• Collect demographic data on race, color, and national origin (including limited English proficiency) from internal program areas as necessary to evaluate compliance with Title VI/Nondiscrimination requirements.</li><li>• Review procedures, guides, program directives, manuals, and other documents to determine whether they contain appropriate Title VI/Nondiscrimination clauses.</li></ul> |
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### 3.a. Organizational Chart: *Snapshot identifying placement of Civil Rights Unit within OBOEC*



### 3.b. Organization Chart: *Office of Business Opportunity & Equity Compliance Hierarchy - Title VI Group*



## **PROGRAM AREA REVIEW PROCEDURES**

### **I. Purpose of Reviews**

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

### **II. Collection of Demographic Data**

WisDOT is required by FHWA to develop procedures for the collection of demographic data of participants in and beneficiaries of WisDOT programs, projects, policies, actions, and activities. WisDOT will collect demographic data on relocatees, public involvement meeting attendees, and other participants and beneficiaries of its programs and activities.

### **III. Schedule of Reviews**

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

### **IV. Review Procedure**

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

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



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

## **V. Yearly Goals and Accomplishments Report**

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

## Federal Program Areas

### Planning

WisDOT Planning and Policy initiatives are mainly housed in the Division of Transportation Investment Management (DTIM) and the Division of Transportation System Development (DTSD). DTSD Regional Systems Planning Sections work in cooperation with DTIM, federal, tribal, state, regional and local agencies, to develop and maintain an integrated and comprehensive multimodal planning process for safe, efficient, cost-effective, and high-quality transportation services. WisDOT's Planning Program Area is responsible for:

- An Advisory Group made up of state agencies, local government representatives, shippers, freight haulers, business leaders, tribal representatives, and others that makes recommendations to the DTIM Bureau of Planning Economic Development (BPED) for the statewide, long-range multimodal plan. BPED ultimately recommends the plan to the Governor for final approval.
- Access management: Land divisions, corridor management, and state highway connections
- Data analysis and management: Traffic counts, forecasting, and trends
- Highway systems management: State and Federal highway systems, state highway changes, and jurisdictional transfers
- Multimodal planning: Bicycle and pedestrian, transit, travel assistance, freight, non-highway and economic development
- Partners and resources in planning: Federal, tribal, state, regional, local, and other stakeholders
- Programming: Program development, state highway programs, project scoping, program reports and maps, local program and program change management
- Studies: Highway studies, study maps, and environmental program resources
- Other activities include mapping and cartography, highway-rail grade crossings, rail freight assistance programs, roadway data gathering (traffic counts and inventories), traffic operations, and pavement management.

### **Title VI Responsibilities in the Planning Program Area**

- a) Monitor the utilization of demographic information that identifies Title VI populations and evaluate the equitable distribution of the benefits/burdens of the transportation plans and activities, as well as transportation system investments, on these populations.
- b) Collect and review information regarding project prioritization procedures for Metropolitan Planning Organizations (MPOs), Regional Planning Commissions (RPCs), and projects in rural areas.
- c) Review Title VI data searching for possible trends of discrimination in planning.
- d) Review the process in which projects are selected to ensure that project selection does not subject any populations to disparate, adverse effects based upon race, color, or national origin (including limited English proficiency).
- e) Ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- f) Review Certifications of the MPO Planning Process for compliance with the National Environmental Policy Act (NEPA), Wisconsin Environmental Policy Act, (WEPA) and Title VI; ensure MPOs are current with nondiscrimination submissions.
- g) Ensure that contractors or consultants used to conduct/support public involvement via project-specific Public Involvement Meetings (PIMs) are implementing Title VI principles.
- h) The WisDOT Transportation Management Area (TMA) Certification Process also addresses Title VI requirements. WisDOT will periodically evaluate these procedures to determine if the implementation processes are compliant with Title VI.

i) Key Documents to review:

- Coordination Document
- Long-range, statewide transportation plan and modal plans
- Public Involvement Plan for the Statewide Transportation Improvement Program
- Public Involvement Plans

**Data Collection and Analysis in the Planning Program Area:**

Collects and analyzes demographic data using the U.S. Census' decennial census and American Community Survey, public participation surveys, public involvement meeting sign-in sheets, and demographic maps.

**Environment**

The Environmental Program Area includes a diverse group of environmental specialists who research, analyze, and monitor the effects of transportation projects on the environment. They include air, noise, hazardous materials, and water quality specialists; biologists, archaeologists, environmental engineers, and National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) experts.

WisDOT's Environmental staff consists of professionals in the central office and in each of the five transportation regions who balance the Department's environmental responsibilities with transportation program needs. Central office Environmental staff are responsible for environmental program oversight, policy development, and training. Specifically, the Environmental program area enhances WisDOT's public involvement activities to ensure the meaningful participation of Title VI populations (including Limited English Proficiency).

WisDOT has public involvement procedures in the Facilities Development Manual that detail how the Department identifies and ensures participation of Title VI populations (including Limited English Proficiency) in the development of draft and final Environmental Impact Statement (EIS), Environmental Assessment (EA), and Categorical Exclusion (CE) documents. The procedures define how public meetings and public hearings are noticed and conducted and how comments from members of the public are addressed. These procedures also require that, at a minimum, the identification of Title VI populations occurs during the scoping phase of an EIS/EA and the Request for Proposal (RFP) needs to include the task of collecting socio-economic statistical data sufficient for analysis (by Right-of-Way and Civil Rights) to determine impacts, if any, to Title VI populations. These analyses are to be included in all Draft and Final EIS/EA documents. The Environment Program Area and/or the Title VI Program Coordinator will periodically evaluate these procedures to determine if the processes are being implemented and are compliant with Title VI.

**Title VI Responsibilities in the Environmental Program Area**

- a) Review Public Involvement Procedures to ensure genuine, continuous, and extensive outreach to all communities impacted by a project to avoid adverse, disparate impacts to Title VI populations.
- b) Review and revise the Public Involvement Chapter of the FDM that describes how WisDOT complies with environmental and public involvement requirements in project development.
- c) Review a sample of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language.
- d) Ensure community involvement and participation is considered in the design of projects for all affected populations.

- e) Collect data and information regarding the demographics of public meeting and hearing participants, including comparisons to the relevant population for each project.
- f) Count and record:
  - The number of public meetings/hearings held, the meeting location, and the representative participation based on the affected populations within the project area.
  - The number and types of environmental reviews.
- g) Ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of disproportionately high or adverse impact.
- h) Summarize Environment Analyses (EA) or Environment Impact Statements (EIS) where any populations were disproportionately impacted by race, color, or national origin (including limited English proficiency) and any mitigating measures taken as a result.
- i) Monitor procedures for the identification of System-Plan Environmental Evaluation (SEE) impacts using existing forms and procedures including the Environmental Evaluation Checklist, and potential impacts on Environmental Justice (minority and/or low-income) populations.
- j) Key documents to review:
  - FDM Chapter 6 Public Involvement
  - FDM Chapter 20 Environmental Documents, Reports and Permits
  - FDM Chapter 25 Socio-Economic Factors
  - Public Involvement Plans

#### **Data Collection and Analysis in the Environment Program Area:**

Collects and analyzes demographic data using the U.S. Census' decennial census, American Community Survey, and other data during the environmental review process tied to forecast Title VI populations expected to be impacted by WisDOT projects.

#### **Design and Construction Program Areas**

Project Development in both the central office and regional offices in the Division of Transportation System Development, houses the program areas of Design and Construction and is responsible for all project work once the Concept Definition Report has been approved through project close-out. The goal of these program areas is to provide the resources necessary to ensure the quality of construction projects by improving decisions made in the field, making information available for training and to maintain statewide consistency. They review the constructability of project plans, establish contract completion dates, and perform field reviews of Federal-aid projects. The central office Bureau of Project Development (BPD) also reviews and approves contractor estimates, provides technical support, and assists region offices with the resolution of contract disputes and arbitrations. Bidding contractors must be pre-qualified to bid on WisDOT projects. Bidding requirements and conditions are outlined in Section 102 of the Standard Specifications. Contracts are awarded to pre-qualified contractors with the lowest competent and responsible bid and consultants who meet qualification-based selection standards. Contracts are awarded non-discriminatorily and based on a review of the numbers according to Section 103 of the Standard Specifications.

Project Development is also responsible for the delivery of the State Highway and Bridge Improvement Program, Local Improvement Program including bridges using both in-house and outsourced resources and development and maintenance of the standards, policies and guidance associated with contract work. The following subject areas contain the processes and procedures to carry out these functions.

- Design: Highway and structure design from preliminary design through Plans, Specifications, and Estimates (PS&E) submittal. For details on design policies and procedures refer to the Facilities Development Manual (FDM).
- Bid letting: The bid letting process for let contracts includes: PS&E submittal, creating proposals, advertising, approving bidders, issuing addenda, public letting, bid analysis, award, and contract execution.
- Each region is responsible for letting, razing, and removing contracts. BPD ensures proposals are complete; advertises proposals; processes and tracks contract documents.
- Construction: Construction contract administration from execution through final payment. Includes structure maintenance functions. For details on contract administration procedures refer to the Construction and Materials Manual (CMM).
- Structures: The Bureau of Structures is responsible for the design, maintenance assistance and oversight, repair, and management of all the bridges in the state of Wisconsin. In addition, staff aid with bridge construction problems as well as oversight for the fabrication of structural steel members.
- Access management: Provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. The practice of access management extends the concept of access design and location control to all highways—not just controlled-access highways or freeways.
- Consultant services: Responsible for the registration, solicitation, and selection of professional service firms that compete for the work to support the development of Wisconsin's transportation system.

#### **Title VI Responsibilities in the Design & Construction Program Areas**

- Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP Plan.
- Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public, e.g., work zone safety, measures to reduce noise and air impacts, erosion control measures.
- Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the design and construction phases.
- Regularly check all contracts and randomly check subcontracts to ensure appropriate nondiscrimination language and required contract inclusions.
- Review a sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions.
- Collect and forward data supporting possible trends of discrimination.
- Ensure nondiscrimination in the selection of consulting firms.
- Ensure adequacy and consistency of the process; Provide documentation illustrating nondiscrimination in the approval of material suppliers and sources.
- Examine uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification.
- Key documents to review:
  - FDM Chapter 11 Design
  - Construction and Materials Manual (CMM)
  - Standard Specifications for Highway and Structure Construction
  - Construction Bid Letting Advertisements, posting through award

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

Provide a sample of contracts to ensure that Form-FHWA 1273 and U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances contract clauses, Appendix A and E, are being physically inserted into all design and related services contracts, construction engineering contracts, and highway work (construction) proposals.

### **Right-of-Way**

The Bureau of Technical Services (BTS) leads the Right-of-Way and Real Estate program area. After the design of an improvement project has been completed or has reached a stage where no major revisions are contemplated, a right-of-way plat may be prepared by the regional Project Development or Technical Services section or consultant in close cooperation with the regional Real Estate section. Right-of-way plats are prepared in accordance with Wisconsin Statutes and Federal standards. BTS provides the Acquisition, Local Public Agency (LPA) information, Plats, Real Estate public information, Surplus Lands as well as the services described below which more directly relate to Title VI.

Right-of-Way: Has the responsibility of ensuring that all Right-of-Way functions and the results of those activities are executed in accordance with Title VI. This program area ensures the equitable treatment of businesses and persons displaced by highway projects, regardless of race, color, or natural origin (including limited English proficiency) by operating under 49 CFR Part 24 to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

Property Valuation Process: Includes Appraisal and Review Appraisal processes and providing opportunity for the property owner to accompany the appraiser during property inspection. Before the initiation of negotiations, real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. State law requires that the owner be given the right to accompany the appraiser on an inspection of the property. The appraiser must make all reasonable attempts to contact the owner, including sending a certified letter if necessary. Appraisals performed for Federal and Federally-assisted real property acquisition must follow the requirements in the Real Estate Program Manual (REPM), which conform to the Uniform Act.

Appraisal and Bona Fide Negotiations: Includes the written offers, consideration of counteroffers, etc. Appraisers cannot act as the negotiator on a parcel that they have appraised unless the approved offering price is \$10,000 or less. In these low-value situations, the appraiser may, at the discretion of the regional Real Estate Management, become the negotiator for that parcel acquisition. Consultant negotiators can appraise only if they are state licensed/certified appraisers. Otherwise, the dual roles of negotiator and appraiser are not allowed. See 49 CFR Part 24.103(d)(2).

Relocation Process: Includes the development of Relocation Housing Payments, Mortgage Differential Payments, and Appeals Process.

Property Management Process: Defines how WisDOT prioritizes the physical maintenance of residential structures still occupied by the former owners. When consistent with the immediate, on-demand availability for highway uses, real estate acquired for highway purposes shall be placed under a temporary rental agreement. Such agreements allow continued use of such lands by the former owners or tenants pending intended use for highway purposes. Rental agreements shall be executed in all cases where continued occupancy by the owner or tenant is contemplated.

**Title VI Responsibilities in the Right-of-Way and Real Estate program area are to ensure the following:**

- a) Ensure that all displaced persons are treated fairly, consistently, and equitably under laws of the United States and State of Wisconsin.

- b) Ensure and evaluate policy and practice so that persons will not suffer disproportionate impacts as a result of projects designed for the benefit of the public.
- c) Ensure that the 'Authorization to proceed' with any phase of a project that will cause relocation of any displaced person or to proceed with any construction project concerning any right of way acquired by WisDOT will not be given until there has been a specific plan submitted to provide orderly, timely and efficient relocation of displaced persons as provided, and has had such plan approved. 'Authority to approve Conceptual Relocation Plan – Interview Addendums' (formerly the Acquisition Stage Relocation Plan - RE2238) is delegated to the BTS statewide relocation program coordinator by the DOA.
- d) Ensure that the granting of 'Authorization to proceed' with any phase of a project, which may cause relocation of any displaced person or to proceed with any construction project concerning right-of-way acquired by WisDOT, will not be given until there has been a specific plan submitted to provide orderly, timely and efficient relocation of displaced persons as provided, and has had such plan approved by the Wisconsin Department of Commerce. Authority to approve acquisition stage plans may be delegated to relocation assistance facilitators in BTS by the Wisconsin Department of Commerce.
- e) Ensure that no person lawfully occupying real property will be required to move from acquired dwelling, business or farm operation without at least ninety (90) days written notice from WisDOT.
- f) Document that no person to be displaced shall be required to move permanently from his or her dwelling unless at least one comparable replacement dwelling has been made available. A comparable replacement dwelling will be considered to have been made available to a person when that person:
  - Has sufficient time to negotiate and enter into a purchase agreement or lease for a property.
  - Is assured of receiving relocation assistance and acquisition compensation, subject to reasonable safeguards, to which entitled.
  - Is informed of its location.
- g) Key Documents to review:
  - FDM Chapter 12 Right-of-Way Plat Development
  - Real Estate Program Manual (REPM)
  - Relocation forms/templates and informational handouts
  - DOA Rights of Landowners and Relocation Rights publications/brochures

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

Collects demographic data and information regarding relocatees through forms: WisDOT form RE1968 Residential Questionnaire – Individual Needs Inventory and Wisconsin Department of Administration (DOA) form – Individual Relocation Case Report.

#### **Consultant (Professional Services) Contracts**

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

Consultant Services: Includes solicitation content, selections, and negotiations.

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

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

#### **Title VI Responsibilities in the Consultant Contracts Program Area**

- a) Provide a sampling of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as help ensure nondiscrimination in the selection of consulting firms.
- b) Provide a sampling of appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as ensuring nondiscrimination in the selection of consulting firms.
- c) Ensure that U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances contract clauses, Appendix A and E, are programmed to automatically build into the standard and general provisions for all contracts.
- d) Key documents to review:
  - FDM Chapter 8 Consultant Services
  - Contract Boilerplates/Standard Provisions
  - Highway Work (Construction) Proposals

#### **Data Collection and Analysis in the Consultant Contracts Program Area:**

Inserts U.S. DOT Order No. 1050.2A, Standard Title VI/Nondiscrimination Assurances contract clauses, Appendix A and E, into the boilerplates or standard provisions for all WisDOT contracts.

#### **Other Program Areas**

The Title VI Office reviews other Divisions of WisDOT as applicable.



## **SUBRECIPIENT REVIEW PROCEDURES**

### **I. Purpose of Reviews**

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

### **II. List of Subrecipients**

WisDOT monitors 14 metropolitan planning organizations, 9 regional planning commissions, 190 cities, 72 counties, and 11 Indian tribes that have the potential to become a Subrecipient LPA. Transit grantees are monitored by the Transit Title VI Program in the Division of Transportation Investment Management.

#### **Metropolitan Planning Organizations & Regional Planning Commissions**

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

### **III. Schedule of Reviews**

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

### **IV. Review Procedure**

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

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

## **V. Yearly Goals and Accomplishments Report**

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

## **TRAINING**

### **A. Title VI Staff**

Title VI staff complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program. Title VI staff also complete the “Title VI: Knowing Your Role” module as part of annual mandatory training for all department employees. Title VI staff complete FHWA training such as: Overview of FHWA Title VI Complaints, Title VI: Writing Effective Implementation Plans, Title VI Data Collection and Analysis, and FHWA Title VI Civil Rights Connect Walkthrough when offered by the FHWA Headquarters Office of Civil Rights.

### **B. Title VI Liaisons**

Title VI Managing Committee members complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program. Title VI Managing Committee members also complete the “Title VI: Knowing Your Role” module as part of annual mandatory training for all department employees. Title VI Managing Committee members complete “FHWA Federal-aid Essentials for Local Public Agencies: Title VI/Nondiscrimination” modules as part of new committee member orientation.

### **C. Department Employees**

All new and existing non-supervisory employees are required to complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program and annual mandatory training for all department employees. The module explains the parameters of Title VI and related nondiscrimination statutes, and their role in ensuring nondiscrimination in WisDOT programs and activities. After completing the module, employees will be able to:

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

The Title VI Managing Committee updates the module as a part of its Committee Workplan. The module was updated in 2023.

### **D. Department Supervisors and Managers**

All new and existing supervisory employees are required to complete the “Title VI: Knowing Your Role” module as part of the New Employee Orientation Program and annual mandatory training for all department employees.

### **E. Subrecipients**

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

Local Public Agencies (LPAs) complete Title VI training as part of the Sponsor's Guide to Non-Traditional Transportation Project Implementation Certification Training. The Sponsor’s Guide to Non-Traditional Transportation Project Implementation exists to provide information and instructions to LPAs (Sponsors) in order to help them successfully develop certain Federally-funded transportation projects in accordance with Federal and State laws and regulations. Sponsors constructing locally let projects with certain funding types

must complete certification training. FHWA training, “Federal-aid Essentials for Local Public Agencies: Title VI/Nondiscrimination modules” is recommended to LPAs in preparation for Title VI reviews.

**F. Contractors and Consultants**

Contractors and Consultants with a WisDOT LearnCenter account are required to complete the “Title VI: Knowing Your Role” module. The purpose of the training is to ensure that contractors and consultants understand Title VI/Nondiscrimination laws and requirements for recipients of Federal financial assistance and Federally-funded contracts. The module was updated in 2023.

## **COMPLAINT PROCEDURES**

### **A. Who can file a Title VI complaint?**

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

### **B. Where can one file a complaint?**

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

### **C. When must a complaint be filed?**

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

### **D. What should a complaint look like?**

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

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

### **E. How are complaints routed?**

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

All Title VI complaints against WisDOT are routed to the FHWA Headquarters Office of Civil Rights for processing with the exception of complaints filed against the Division of Motor Vehicles. Complaints filed against the Division of Motor Vehicles are routed to the National Highway Traffic Safety Administration (NHTSA) Office of Civil Rights for processing.

With this understanding, complaints should be routed in the following ways:

- Complaints filed with the WisDOT Title VI Office will be forwarded to the FHWA Wisconsin-Division Office. The FHWA Wisconsin-Division Office will then forward the complaint to the FHWA Headquarters Office of Civil Rights.
- Complaints filed with a program or division within WisDOT should be forwarded to the WisDOT Title VI Office. The WisDOT Title VI Office will then forward the complaint to the FHWA Wisconsin-Division Office and the FHWA Wisconsin-Division Office will forward the complaint to the FHWA Headquarters Office of Civil Rights.
- Complaints filed against the Division of Motor Vehicles will be forwarded by the WisDOT Title VI Office to the NHTSA Office of Civil Rights.
- Complaints filed against a WisDOT Subrecipient (e.g., city, county, Metropolitan Planning Organization, Regional Planning Commission, etc.) should be forwarded to the WisDOT Title VI Office. The WisDOT Title VI Office will then forward the complaint to the FHWA Wisconsin-Division Office and the FHWA Wisconsin-Division Office will forward the complaint to the FHWA Headquarters Office of Civil Rights.
- Complaints filed against a WisDOT Transit Subrecipient (e.g., city, county, transit commission, and non-profit receiving Federal Transit Administration funds) should be forwarded to the WisDOT Transit Section. The WisDOT Transit Section will take the lead on investigating, resolving, and closing out the complaint.
- The WisDOT Title VI Office and WisDOT Subrecipients must log all complaints received.

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

#### **E. When are complaints accepted?**

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

#### **F. Who conducts investigations?**

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

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

**G. What are the timeframes for investigations?**

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

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

**H. What are the potential outcomes of an investigation?**

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

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

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

**I. Complaints filed directly with FHWA**

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

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

## DISSEMINATION OF INFORMATION

### A. Overview

The WisDOT website contains the Title VI webpages which provide program updates, complaint processes, Notice of Nondiscrimination, Title VI Implementation Plan and Assurances, Title VI Goals and Accomplishments Report, and contact information for the Title VI Program Coordinator. Anyone may visit the website 24 hours and 7 days a week at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/default.aspx>.

### B. Notice of Nondiscrimination

The Notice of Nondiscrimination is posted on the WisDOT website and on public bulletin boards in all WisDOT facilities. The notice includes the name and contact information for the Title VI Program Coordinator and is provided in English, Spanish, and Hmong at <https://wisconsindot.gov/Documents/doing-bus/civil-rights/titlevi-ada/t6noticeeng.pdf>.

### C. Title VI Complaint form

The Title VI complaint form is posted online on the WisDOT website at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/filingcomplaint.aspx>. Complaints may be submitted online, by mail, phone, or fax to:

Taqwanya Smith  
Title VI Program Coordinator  
Office of Business Opportunity and Equity Compliance  
WI Department of Transportation  
4822 Madison Yards Way, 5<sup>th</sup> Floor South  
Madison, WI 53705  
PH: (608) 266-8129  
[taqwanya.smith@dot.wi.gov](mailto:taqwanya.smith@dot.wi.gov)

### D. Title VI Implementation Plan and Assurances

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

### E. Title VI Goals and Accomplishments Report

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

### F. Information in Other Languages

The top four languages spoken by LEP persons in Wisconsin are: Spanish, Hmong, German, and Chinese. The Nondiscrimination Notice is available in Spanish and Hmong. The WisDOT website, including forms and Word documents, are available for translation through Google Translate. <https://wisconsindot.gov/Pages/Home.aspx>



## **REVIEW OF STATE TRANSPORTATION AGENCY (STA) DIRECTIVES**

### **A. Transportation Administrative Manual (TAM)**

The Transportation Administrative Manual (TAM) contains the official cross-divisional directives on the internal operation and management of WisDOT.

#### **1. TAM Council**

The TAM Council's primary purpose is to oversee the creation, modernization, and analysis of all TAMs to ensure they are accurate, relevant, and reflect current standard operating procedures within WisDOT. The TAM Council membership includes leadership representatives from each WisDOT division. The Division of Business Management (DBM) acts as the lead division that administers the TAM process and manages the development and revision of TAM policies and procedures in conjunction with the TAM Council.

#### **2. Revised and New TAM Submissions**

The DBM Deputy Administrator leads the TAM Council and authorizes the review process of all revised and new TAM submissions. Divisions interested in updating current TAMs or sending new TAMs for consideration should send proposals to the DBM Deputy Division Administrator and the TAM Program Manager. Upon review with the TAM Program Manager, the DBM Deputy Division Administrator will determine the next steps for each TAM proposal. This process includes but is not limited to: review by the TAM Council, immediate approval and update for the TAM Table of Contents, consultation with additional department leadership and staff, and other examination procedures. All TAMs will be issued a review date at the top of the document. This date includes the month and year in which the TAM will be reviewed as part of a standard evaluation process to ensure that all content is modernized. WisDOT divisions and TAM document owners are still encouraged to submit any changes and/or proposed updates to current TAMs before their scheduled review. TAMs will be reviewed every three (3) years.

#### **3. Review of TAM Submissions for Title VI Implications**

The Title VI Office will coordinate with the TAM Council Lead and TAM Program Manager to review TAM submissions for possible Title VI implications. If the Title VI Office determines that changes are needed to comply with Title VI, the Title VI Coordinator will meet with the TAM Council/Division Representative to reconcile issues and make recommendations for changes. Once the changes have been incorporated into the TAM, the TAM Program Manager will send a copy of the revised TAM to the Title VI Office confirming that the changes have been made.

### **B. Facilities Development Manual (FDM)**

The Facilities Development Manual (FDM) provides policy, procedural requirements, and guidance encompassing the facilities development process within the Division of Transportation System Development (DTSD). It is applicable to all types of highway improvements on the state trunk highway system, other street/highway systems for which Federal-aid highway funds may be utilized, state facilities road systems funded with state funds administered by WisDOT, and other highways and roads for which WisDOT may act as an administrative agent. Adherence to the requirements contained herein provide for the uniform development of highway systems and contract plans that reflect sound engineering practice and sensitive environmental concern. Title VI staff reviews and provides updates to FDM sections as necessary.

<https://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/fdm.aspx>

### **C. Local Public Agency Guide**

The Local Public Agency (LPA) Guide is intended to be a resource for the LPA, providing information and instruction to assist them in successfully developing Federally-funded transportation projects. The guide will walk the LPA through the project development process. The LPA Guide is intended to address procedures required on projects that will be let through the state letting process. Title VI staff reviews and updates the Title VI Section during scheduled updates of the LPA Guide. <https://wisconsindot.gov/Documents/doing-bus/local-gov/lpm/lpaguide23.pdf>

### **D. The Sponsor's Guide to Non-Traditional Transportation Project Implementation**

The Sponsor's Guide to Non-Traditional Transportation Project Implementation (Sponsor's Guide) provides information and instructions to Local Public Agencies (Sponsors) to help them successfully develop certain Federally-funded transportation projects in accordance with Federal and State laws and regulations. The Sponsor's Guide is only intended to address the procedures required for a Sponsor to deliver a project through a local letting process. Title VI staff reviews and updates the Title VI Section during scheduled updates of the Sponsor's Guide. <https://wisconsindot.gov/Documents/doing-bus/local-gov/lpm/AddendedSG.pdf>

## **COMPLIANCE AND ENFORCEMENT PROCEDURES**

### **A. Overview**

Voluntary compliance is our preferred course of action for Title VI implementation. Effective implementation of Title VI policies and procedures begins with knowledge of the regulations, takes the right amount of collaboration, and the right methods to measure understanding and implementation. We strive to resolve all matters at the lowest level possible, then escalate and notify accordingly.

Program Areas and Subrecipients are expected to correct all deficiencies according to their corrective action plan and provide periodic updates to the Title VI Program Coordinator. The Title VI Program Coordinator will provide technical assistance, as needed, and work with the Program Area's Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the corrective measures.

The noncompliant entity will receive notification when the review process is complete and no further progress reporting is needed. The Title VI Program Coordinator will make the compliance sufficiency determination and send an official closeout letter.

### **B. Corrective Action**

Title VI staff will prepare a Compliance Review report and corresponding corrective action plan to document and track remedial efforts and subsequent compliance.

### **C. Compliance and Enforcement for Internal Program Areas**

If an internal Program Area refuses to correct its plans, policies, or activities to become compliant with Title VI; the refusal will be reported first to Division Management and secondly, the WisDOT Secretary explaining the risk associated with noncompliance. The FHWA-WI Division Office will be copied on all corrective action plans that are not resolved voluntarily.

### **D. Compliance and Enforcement for Subrecipients**

Likewise, if a Subrecipient fails or refuses to comply with Title VI corrective actions, the FHWA-WI Division Office will be notified immediately in writing, outlining the timeline and actions taken to achieve compliance.

WisDOT will await written recommendation from the FHWA-WI Division Office to pursue proceeding with sanctions, including sanctions and withdrawal of funding.

### **E. Potential sanctions in cases of persistent refusal and noncompliance**

Cancellation, termination, or suspension of the contract or agreement.

Send notice of future funding eligibility under the program with respect to which the failure or refusal occurred; clearly describing that no funding or benefits will be extended until satisfactory assurance of future compliance is submitted by the entity.

Refer the entity to the appropriate federal agency for appropriate administrative or legal proceedings including suspension and debarment.

## LIMITED ENGLISH PROFICIENCY

### A. Overview

Executive Order 13166, “*Improving Access to Services for Persons with Limited English Proficiency*,” requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. When read in its entirety and interpreted consistently with Title VI of the Civil Rights Act of 1964, the Executive Order applies to all programs and activities of a Federal agency and recipients of Federal funds.

LEP persons are defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.” LEP persons are entitled to language assistance with respect to a service, benefit, or encounter. Executive Order 13166 requires Federal agencies that provide Federal financial assistance to develop guidance to clarify those obligations for recipients of such assistance (“recipient guidance”). WisDOT is such a recipient and follows guidance from FHWA regarding its LEP obligations.

### B. Four-Factor Analysis

Under FHWA guidance, WisDOT is directed to determine the extent of its obligation to provide LEP services through a flexible and fact-dependent analysis of four factors called a Four-Factor Analysis. The four factors are:

- The number or proportion of LEP persons serviced or encountered in the eligible service population.
- The frequency with which LEP individuals come into contact with the program.
- The nature and importance of the program, activity, or service provided by the program.
- The resources available to the recipient and cost.

WisDOT conducted its most recent four-factor analysis in 2022. Of Wisconsin’s nearly 5.5 million residents, an estimated 475,226 residents speak a language other than English at home, according to the U.S. Census, American Community Survey on “Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over” (2020). Approximately 165,664 individuals have limited English proficiency. The most commonly spoken languages among Wisconsin’s LEP population are Spanish, Hmong, German, and Chinese (including Mandarin and Cantonese).

### B. Language Access Plan

LEP requirements can be divided into two types of services: interpretation and translation. Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language), either in-person or via telephone interpretation service. Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language) [See *Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: Section VI – Selecting Language Assistance Services*, 70 Fed. Reg. 74087, 74093 (December 14, 2005)]. For interpretation, the USDOT LEP guidance states that recipients must provide “meaningful access” to LEP individuals where oral language services are needed and are reasonable. For translations, the guidance provides “safe harbor” rules to help recipients make good decisions. Please see the table below for a summary of the safe harbor standards.

## Safe Harbor Table

| Size of Language Group   | Recommended Provision of Written Language Assistance                                 |
|--|--|
| 1,000 or more in the eligible population in the market area or among current beneficiaries | Translated vital documents.  |
| More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number | Translated vital documents.  |
| More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number   | Translated written notice of right to receive free oral interpretation of documents. |
| 5% or less of the eligible population or beneficiaries and less than 1,000 in number       | No written translation is required.  |

WisDOT and all Wisconsin state agencies are mandated by the Wisconsin Department of Administration (DOA) to utilize VendorNet to obtain language access services. VendorNet provides easy access to information on vendors who provide goods and services to state agencies and municipalities.

The WisDOT Language Access Plan (LAP) is a guide for WisDOT staff to provide in-person interpretation, telephonic interpretation, and written translation services using DOA VendorNet.

<https://wisconsindot.gov/Documents/doing-bus/civil-rights/titlevi-ada/2022-lang-access-plan.pdf>

The LAP includes an interactive map of “Commonly Spoken Foreign Languages in Wisconsin.” The map estimates the percentage of the population in each Wisconsin county that speaks a foreign language and can be used for statewide and regional analysis.

<https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=a82eed22e74f4f45beedb0ca93daf39e>

Additionally, WisDOT provides an “Individual Foreign Language Interpreter and Translator Request” form for the public to request interpretation or translation services free of charge. <https://wisconsindot.gov/pages/global-footer/formdocs/default.aspx#safety>.

**ATTACHMENT**

**STANDARD TITLE VI ASSURANCES SIGNED BY WISDOT SECRETARY**

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Wisconsin Department of Transportation (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 21.23(b) and 21.23(e) of 49 C.F.R. 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and the Regulations made in connection with all the Federal-Aid

Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Wisconsin Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. "*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.


By signing this ASSURANCE, the Wisconsin Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all

applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Wisconsin Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on the State of Wisconsin Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Wisconsin Department of Transportation**

Kristina Boardman, Secretary

by   
(Signature of Authorized Official)

DATED 12/19/2024



## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B**

### **CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Wisconsin Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with governing Federal legislative authority, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d4), does hereby remise, release, quitclaim and convey unto the Wisconsin Department of Transportation (all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.)

#### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the Wisconsin Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Wisconsin Department of Transportation, its successors and assigns.

The Wisconsin Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Wisconsin Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## **APPENDIX C**

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

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

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

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX D**

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the Wisconsin Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. \*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the premises will there upon revert to and vest in and become the absolute property of the Wisconsin Department of Transportation and its assigns. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq.).