

**FHWA-SUBRECIPIENT  
TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT  
FFY 2020**

The following **Part 1: Title VI Assurances** document is a legally binding agreement between the Wisconsin Department of Transportation (WisDOT) and the Wausau Area Metropolitan Planning Organization, a WisDOT Subrecipient of Federal Highway Administration (FHWA) funds.

**SUBRECIPIENT TITLE VI COORDINATOR FOR FHWA ACTIVITIES AND MONITORING:**

**NAME:** Frank Matel    **Title:** Employee Resources Director

**ORGANIZATION:** Marathon County

**MAILING ADDRESS:** 500 Forest Street, Wausau, WI 54403

**EMAIL ADDRESS:** frank.matel@co.marathon.wi.us

**PHONE:** 715-261-1454      **Fax :** 715-261-1463

Name of the signatory on **Part 1: Title VI Assurances** (see Page No. 7): Frank Matel, Employee Resources Director

Does your organization require the approval of a Board or Commission to execute this **Part 1: Title VI Assurances** (click on box to insert "X")?    Yes  No

If yes, provide date of expected Board or Commission approval: [*Click and type here to enter text*]



**FHWA-SUBRECIPIENT  
TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT  
FFY 2020**

## **Title VI Policy Statement**

The [*Click and type name of Subrecipient agency/organization.*], a WisDOT Subrecipient of FHWA funds, (hereinafter referred to as the "Subrecipient") assures that no person shall, on the grounds of race, color, national origin or sex as provided by Title VI of the Civil Rights Act of 1964, Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324), and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Subrecipient further assures every effort will be made to ensure non-discrimination in whether those programs and activities are federally-funded or not.

In other words, this organization has implemented procedures, policies and actions to ensure nondiscrimination in all of its programs and activities; and offers the signature of its highest official as a reasonable guarantee of compliance with all nondiscrimination laws and requirements.

## **Authorities**

The above Title VI Policy Statement and the following provisions of these **Assurances** are provided under a range of federal Acts and Regulations [see 23 CFR 200.5(p)]. References to Title VI requirements and regulations are not solely limited Title VI of the Civil Rights Act of 1964. Where appropriate, "Title VI requirements" also refer to the civil rights provisions of other federal statutes and related implementation regulations to the extent that they prohibit discrimination on the grounds of race, color, national origin or sex in all its programs, activities and operations receiving federal financial assistance. The Title VI authorities are:

### **Nondiscrimination Acts**

- **Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides:** No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- **Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324) provides:** No person shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this Title.
- **The Civil Rights Restoration Act of 1987 (P.L. 100-209), provides:** Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. The Act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

### **Nondiscrimination Regulations**

- 23 CFR 200, Title VI Program and Related Statutes-Implementation and Review Procedures
- 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964
- USDOT Order 1050.2A, *Standard Title VI/Non-Discrimination Assurances*

# **Part 1: TITLE VI ASSURANCES**

*USDOT Standard Title VI/Non-Discrimination Assurances*

# The United States Department of Transportation (USDOT)

## Standard Title VI/Non-Discrimination Assurances

### DOT Order No. 1050.2A

The *Wausau Area Metropolitan Planning Organization* (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 *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 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*);

*Federal Highway Administration may include additional Statutory/Regulatory Authorities here.*

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.

*Federal Highway Administration may include additional General Assurances in this section or reference an addendum here.*

## 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 *Wausau Area Metropolitan Planning Organization*:

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 *Wausau Area Metropolitan Planning Organization* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The *Wausau Area Metropolitan Planning Organization*. 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 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 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.

***Federal Highway Administration may include additional Specific Assurances in this section.***

By signing this ASSURANCE, ***Wausau Area Metropolitan Planning Organization*** 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 ***[Wisconsin Department of Transportation's]*** 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 ***[Wisconsin Department of Transportation]***. You must keep records, reports, and submit the material for review upon request to ***[Wisconsin Department of Transportation]***, 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.

***Wausau Area Metropolitan Planning Organization*** 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 ***Wausau Area Metropolitan Planning Organization***. This ASSURANCE is binding on ***[Wisconsin]***, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the ***Wausau Area Metropolitan Planning Organization***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

FRANK MATEL  
(Name of Sub-Recipient)

by Frank A. MATEL  
(Signature of Authorized Official)

DATED 9/26/2019

# 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. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. *[Include Federal Highway Administration specific program requirements.]*
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. *[Include Federal Highway Administration specific program requirements.]*
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 *Wausau Area Metropolitan Planning Organization* will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of *Wausau Area Metropolitan Planning Organization*, and the policies and procedures prescribed by the (*Federal Highway Administration*) of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Wausau Area Metropolitan Planning Organization* 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 *Wausau Area Metropolitan Planning Organization* 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 *Wausau Area Metropolitan Planning Organization*, its successors and assigns.

The *Wausau Area Metropolitan Planning Organization*, 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 *Wausau Area Metropolitan Planning Organization* 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, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]. \*

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

## Appendix C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Wausau Area Metropolitan Planning Organization* 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, *Wausau Area Metropolitan Planning Organization* 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 *Wausau Area Metropolitan Planning Organization* 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 *Wausau Area Metropolitan Planning Organization* 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.

**FHWA-SUBRECIPIENT  
TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT  
FFY 2020**

## **Introduction**

All recipients of federal funds must comply with Title VI of the Civil Rights Act of 1964 and other Nondiscrimination statutes that afford legal protections. The Wisconsin Department of Transportation (WisDOT) is a recipient of Federal Highway Administration (FHWA) financial assistance committed to ensuring nondiscrimination in all WisDOT programs and activities as demonstrated in our signed assurances and Title VI Implementation Plan. Because WisDOT directly or indirectly extends FHWA funds to you, your organization is an FHWA Subrecipient that is required to provide the same Title VI commitment, assurances and plan.

WisDOT is responsible for annual monitoring and reporting of the activities of its FHWA Subrecipients to verify compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes and regulations (hereinafter termed “Acts and Regulations”) and for validating continued eligibility for FHWA financial assistance. The contents of this **TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT FFY 2020** (hereinafter “**2020 ASSURANCES AND AGREEMENT**”) are the framework that assures organizational awareness, an implementation plan, and effectuating compliance with the Acts and Regulations.

- The first Section entitled **Part 1: Title VI Assurances** is consistent with US Department of Transportation Order Number 1050.2A, *Standard Title VI/Non-Discrimination Assurances*.
- The **Part 1: Title VI Assurances** was due to be completed, signed and returned to the WisDOT Title VI Office by:

**September 25, 2019**
- The second Section entitled **Part 2: Implementation Plan Agreement** outlines your organization’s Title VI activities, data collection, and reporting; the signed agreement serves as your organization’s submission of an **Implementation Plan**.

The following pages of this document contain only the **Part 2: Implementation Plan Agreement** must be signed by the highest responsible official in the Subrecipient’s organization, typically the Executive Director by: **October 15, 2019**

- A signed copy of this **Part 2: Implementation Plan Agreement** is a binding legal agreement between WisDOT and the Subrecipient organization.

Note that signature and submission of the attached documents are only applicable to FHWA Title VI compliance. If your organization is subject to Title VI compliance requirements for other USDOT operating administrations or other federal fund recipients (such as the Federal Transit Administration), you are encouraged to review the requirements of each entity to ensure active implementation and assure compliance with appropriate, separate submissions.

## **INSTRUCTIONS for the Part 2: Implementation Plan Agreement**

1. Fill-in all blanks with the appropriate information (search for the word “Click” to find all blanks).
2. The **Part 2: Implementation Plan Agreement** must be signed on Page No. 13, by the Executive Director or the highest responsible official in your agency/organization.
3. Promptly submit the completed, signed and scanned **Part 2: Implementation Plan Agreement** to the Wisconsin Department of Transportation, Title VI Office at: [mary.robb@dot.wi.gov](mailto:mary.robb@dot.wi.gov).

If you need assistance, please contact Mary Robb by email [mary.robb@dot.wi.gov](mailto:mary.robb@dot.wi.gov) or phone at 608-267-4489.

***The following pages are the required Part 2: Implementation Plan Agreement to be signed and returned.***

**FHWA-SUBRECIPIENT  
TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT  
FFY 2020**

The following **Part 2: Implementation Plan Agreement** is a legally binding agreement between the Wisconsin Department of Transportation (WisDOT) and *[Click and type name of Subrecipient agency/organization]*, a WisDOT Subrecipient of Federal Highway Administration (FHWA) funds.

**SUBRECIPIENT TITLE VI COORDINATOR FOR FHWA ACTIVITIES AND MONITORING:**

**NOTE: IF YOU RECENTLY PROVIDED THE TITLE VI COORDINATOR NAME AND CONTACT INFORMATION IN PART 1: TITLE VI ASSURANCES, YOU MAY SKIP TO #1 BELOW THE GREY BOX.**

**NAME:** *[Click and type here to enter text]* **Title:** *[Click and type here to enter text]*

**EMPLOYING ORGANIZATION:** *[Click and type here to enter text]*

**MAILING ADDRESS:** *[Click and type here to enter text]*

**EMAIL ADDRESS:** *[Click and type here to enter text]*

**PHONE:** *[Click and type here to enter text]* **Fax :** *[Click and type here to enter text]*

1. Name of the signatory of **Part 2: Implementation Plan Agreement** (see Page No. 13): Frank Matel, Employee Resources Director
2. Does your organization require the approval of a Board or Commission to execute this **Part 2: Implementation Plan Agreement** (click on box to insert "X")? Yes  No
3. If yes, provide date of expected Board or Commission approval: *[Click and type here to enter text]*

## Title VI Policy Statement

The Wausau Area Metropolitan Planning Organization, a WisDOT Subrecipient of FHWA funds, (hereinafter referred to as the "Subrecipient") assures that no person shall, on the grounds of race, color, national origin or sex as provided by Title VI of the Civil Rights Act of 1964, Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324), and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Subrecipient further assures every effort will be made to ensure non-discrimination in whether those programs and activities are federally-funded or not.

In other words, this organization has implemented procedures, policies and actions to ensure nondiscrimination in all of its programs and activities; and offers the signature of its highest official as a reasonable guarantee of compliance with all nondiscrimination laws and requirements.

## Authorities

The above Title VI Policy Statement and the following ***Part 2: Implementation Plan Agreement*** is based on a range of federal Acts and Regulations [see 23 CFR 200.5(p)]. References to Title VI requirements and regulations are not solely limited Title VI of the Civil Rights Act of 1964. Where appropriate, "Title VI requirements" also refer to the civil rights provisions of other federal statutes and related implementation regulations to the extent that they prohibit discrimination on the grounds of race, color, national origin or sex in all its programs, activities and operations receiving federal financial assistance. The Title VI authorities (hereinafter referred to as "Acts and Regulations") are:

### **Nondiscrimination Acts**

- **Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides:** No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- **Section 162 (a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324) provides:** No person shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this Title.
- **The Civil Rights Restoration Act of 1987 (P.L. 100-209), provides:** Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. The Act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

### **Nondiscrimination Regulations**

- 23 CFR 200, Title VI Program and Related Statutes-Implementation and Review Procedures
- 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964
- USDOT Order 1050.2A, *Standard Title VI/Non-Discrimination Assurances*

**Part 2:**  
**Implementation Plan Agreement**

## **Title VI Program Implementation**

The following sections represent elements of a “Subrecipient Title VI Implementation Plan”, as required by FHWA, to sufficiently document methods used to administer a Title VI Program. Subrecipients of FHWA funds distributed by WisDOT (the recipient) are required to meet requirements of an **Implementation Plan** as set forth by WisDOT within this **Part 2: Implementation Plan Agreement**.

This **Part 2: Implementation Plan Agreement** shall serve as the [Click and type name of Subrecipient agency/organization]’s required Implementation Plan pursuant to 23 CFR 200 and 49 CFR 21.

### **A. Organization and Staffing**

In FFY 2020 the Wausau Area Metropolitan Planning Organization **should**:

1. have a designated SUBRECIPIENT TITLE VI COORDINATOR pursuant to 23 CFR 200, who has a responsible position in the organization and easy access to the head of the Subrecipient organization, and who is responsible for implementing the Subrecipient’s Title VI Program. The head of the organization and the SUBRECIPIENT TITLE VI COORDINATOR may be the same individual, however, staffing must be adequate to implement the Title VI Program requirements.
2. will provide WisDOT with a copy of the Subrecipient’s organizational chart illustrating the level and placement of the Title VI Coordinator relative to the head of the organization upon signing the ***Part 1-Title VI Assurances*** portion of this ***2020 ASSURANCES AND AGREEMENT***.
3. notify WisDOT, in writing, of any changes to the Subrecipient’s organizational chart, Subrecipient Title VI Coordinator, or Subrecipient Title VI Coordinator contact information.
4. ensure the SUBRECIPIENT TITLE VI COORDINATOR will be responsible for initiating and monitoring Title VI activities, preparing required reports, and additional activities as appropriate to the Subrecipient’s Title VI Program, the Acts and Regulations and this **Part 2: Implementation Plan Agreement**.

### **B. Plan and Program Area Review Procedures**

In FFY 2020 the Wausau Area Metropolitan Planning Organization **should**:

1. annually submit to WisDOT, a brief description of your work/ program areas, the Title VI responsibilities in each work/program area, and your specific internal procedures (an Implementation Plan) for conducting work/program area reviews of Title VI compliance within your organization.
2. conduct Title VI reviews of Subrecipient program areas and activities for Title VI impacts. Examples of activities that should be reviewed for Title VI compliance:
  - a) public outreach and inclusion in transportation planning and projects
  - b) planning that recommends possible real estate acquisitions and relocations
  - c) contracts with contractors/consultants stating Title VI/Nondiscrimination requirements
  - d) racial composition of decision-making Boards or Commissions
3. take affirmative action to communicate and correct any identified Title VI deficiencies.
4. annually report the number and results of your internal Title VI compliance reviews to the WisDOT, Title VI Office in your annual ***Title VI Accomplishments Report and Work Plan*** or within the annual ***WisDOT Title VI/Nondiscrimination Compliance Survey for FHWA Subrecipients*** (hereinafter ***WisDOT Subrecipient Title VI Survey***).

## C. Consultant Review Procedures

In FFY 2020 the Wausau Area Metropolitan Planning Organization should:

1. annually submit the process for determining how many and which contractors/consultants will be reviewed each year and your specific procedures for ensuring Title VI/Nondiscrimination compliance within all contractor/consultant entities or organizations hired by, and receiving federal financial aid, from your organization. For example, state how many consultants you will review for specific measures of compliance such as the proper posting of meeting notices in appropriate locations for the project, in appropriate languages, and meetings held in locations and at times when Title VI protected classes are able to attend.
2. advise contractors and consultants to include, where applicable, policies, procedures and directives to comply with Title VI/Nondiscrimination requirements.
3. advise contractors/consultants on procedure or policy changes, where needed, for Title VI/Nondiscrimination compliance as your subrecipient.
4. annually report the number of contractor/consultant Title VI/Nondiscrimination compliance review(s) and the results of the reviews to the WisDOT, Title VI Office in your annual ***Title VI Accomplishments Report and Work Plan*** or within the annual ***WisDOT Subrecipient Title VI Survey***.

## D. Data Collection Procedures

Data collection and analysis information may be copied from your *Unified Planning Work Program* and/or your Federal Transit Administration (FTA) *Title VI Plan/LEP Plan* and submitted to the WisDOT, Title VI Office as it is annually appropriate, for the fulfillment of FHWA Title VI Program compliance.

In FFY 2020 the Wausau Area Metropolitan Planning Organization should:

1. annually submit specific processes and procedures for collecting, analyzing, using and reporting data on Title VI data to the WisDOT, Title VI Office.
  - a. report where [what work area(s)] collect data relevant to Title VI, the method, sources and type of data collected, and a description of the purpose for doing an analysis of the data.
  - b. each year, submit the number and names of work areas and data collection processes you will be reviewing in the following year.
2. collect and analyze data on the number and locations of individuals or groups in Title VI protected classes who are or may become impacted by the plans, programs and activities conducted by the Subrecipient based on race, color, national origin, sex, and limited English proficiency.
  - a. collect and analyze data from various sources, for example: the U.S. Census, the American Community Survey and additional local or state resources.
3. collect and analyze data on the number and locations of individuals or groups in Title VI protected classes who are participants in or beneficiaries of, programs and activities conducted by the Subrecipient.
4. collect and analyze data at the appropriate geographic level (such as census tracts, block groups and census blocks) to identify where disproportionate impacts to protected classes could result, whether intentionally or unintentionally, from plans or projects conducted by your organization
5. annually report and present the data collection and analysis performed by your agency/organization and the results and impacts of performing the analysis to the WisDOT, Title VI Office in your annual ***Title VI Accomplishments Report and Work Plan*** or within the annual ***WisDOT Subrecipient Title VI Survey***.

## E. Training Procedures

This section is intended to ensure that employees of Subrecipient organizations are receiving sufficient training to be able to understand, identify, and carry out activities for Title VI/Nondiscrimination compliance.

**In FFY 2020 the Wausau Area Metropolitan Planning Organization should:**

1. annually submit specific internal procedures for choosing and conducting training for staff members, the types of training offered and required of staff (see 2. through 5., below) and the number of training events to be conducted.
2. require employees to complete training programs upon hire and thereafter as needed, on Title VI and related statutes, regulations and procedures or additional nondiscrimination topics, as needed.
3. provide all employees of your organization with training in the proper procedures and handling of Title VI and other nondiscrimination complaints.
4. provide employees working with the public and within relevant business areas with training in the proper procedures for providing services, outreach, inclusion, and the removal of obstacles in participation by individuals and groups with limited English proficiency.
5. provide Title VI data collection and analysis training to employees to ensure effective implementation of the Data Collection Procedures.
6. annually submit training documentation to WisDOT, including the name and type of training events offered and obtained, dates employees participated, titles of employees who participated, and the total number of employees who participated in each training to the WisDOT, Title VI Office in your annual ***Title VI Accomplishments Report and Work Plan*** or within the annual ***WisDOT Subrecipient Title VI Survey***.

## F. Dissemination of Title VI Information

**The Wausau Area Metropolitan Planning Organization should:**

1. annually submit specific internal procedures for dissemination of Title VI Information and for community outreach and public education, and for the review and documentation of this activity
2. issue and distribute throughout your organization and to the public, a Title VI/Nondiscrimination Policy Statement, signed by the head of the Subrecipient organization, which expresses its commitment to the nondiscrimination provisions of the Title VI Acts and Regulations.
3. issue and distribute throughout your organization and to the public, a Title VI/Nondiscrimination Complaint Policy containing information and instructions on filing a Title VI/Nondiscrimination complaint.
4. post and publish or provide links to your Title VI Policy Statement and your Title VI Complaint Policy, in appropriate languages based on the presence of, or potential impacts on, populations with limited English proficiency in the following locations:
  - a) throughout your organization
  - b) location(s) where your organization's business is conducted
  - c) on your website and social media sites
  - d) in meeting announcements in the newspaper and on posters
  - e) posted at public meeting locations
5. annually submit a copy of your organization's Title VI Policy Statement to the WisDOT, Title VI Office, with documentation on where the policy was distributed, the intended audience, and in what languages it was provided (refer to p. 3, section "Title VI Policy Statement").

6. annually submit the number, type and location of outreach and public education events or literature to the WisDOT, Title VI Office within your annual ***Title VI Accomplishments Report and Work Plan*** or within the annual ***WisDOT Subrecipient Title VI Survey***.

## **G. Limited English Proficiency Accommodations and Procedures**

National origin discrimination under Title VI includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, Subrecipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs, plans and services consistent with Executive Order #13166. Subrecipients are encouraged to visit <http://www.lep.gov> for assistance and information regarding your LEP obligations.

**In FFY 2020, the Wausau Area Metropolitan Planning Organization should:**

1. annually submit procedures and guidance for the provision of LEP services and outreach, as well as data collection and analysis procedures.
2. ensure compliance with Title VI by taking reasonable steps to ensure that LEP persons have meaningful access to your programs. Provide documentation on language assistance services provided by your organization, such as, interpretation and translation services.
3. collect data on LEP individuals or groups that may be impacted by your plans or activities.
4. ensure that LEP persons impacted by the Subrecipient organization's policies, plans or activities are provided with adequate information and opportunities for public involvement and input opportunities within their native language.
5. consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your programs and activities.
6. annually submit to the WisDOT, Title VI Office, documentation showing the number and type of language services provided during the previous fiscal year, and results of data collection and analysis of LEP populations, such as:
  - a) American Community Survey data on Language spoken at home and ability to speak English or
  - b) maps showing location of LEP persons, as it applies in specific geographic areas that are impacted by your planning and project recommendations.

## **H. Review of Internal Policies and Directives**

**The Wausau Area Metropolitan Planning Organization should:**

1. annually submit procedures and guidance for review of your organization's policies and internal directives to the WisDOT, Title VI Office.
2. conduct Title VI reviews of your organization's policies, procedures and directives and consider possible unintentional impacts that could impact individuals and groups protected under Title VI.
3. revise policies, procedures and directives to include Title VI requirements and to reduce possible unintentional impacts on individuals and groups protected under Title VI.
4. monitor consultants/contractors for possible impacts of their policies, procedures and directives on Title VI protected classes as it relates to their work performed for you on federally funded projects or plans. Advise contractors/consultants on changes, where needed, for Title VI compliance as your subrecipient.
5. Report number and results of reviews of internal directives within the ***annual Title VI Accomplishments Report and Work Plan*** or in the annual ***WisDOT Subrecipient Title VI Survey***.

6. Annually submit documentation of your review of internal directives including how many and what directives were reviewed, and the conclusions and improvements made as a result of your reviews to the WisDOT, Title VI Office.

## **I. Complaint Policy and Procedures**

FHWA requires federal-aid recipients and subrecipients to follow specific procedures for collecting and forwarding complaints alleging discrimination under Title VI. WisDOT also has specific requirements for the handling of, and reporting on, Title VI complaints that are submitted to the Subrecipient. These requirements are provided in the "Complaint Processing Procedures" section below. Subrecipients must submit internal complaint policies and procedures to meet FHWA Title VI compliance.

**In FFY 2020, The Wausau Area Metropolitan Planning Organization shall adopt the standard FHWA/WisDOT Title VI compliant policy provided in the following section or must submit proof of an alternative complaint policy that contains all FHWA Title VI/Nondiscrimination requirements (such as an alternative Policy submitted in your FTA Title VI Plan).**

### **Title VI Complaint Policy**

**Wausau Area Metropolitan Planning Organization adopts the following Title VI complaint policy for FFY 2020 (do not fill in the name of your organization if you will be submitting an alternative Complaint Policy):**

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any Disadvantaged Business Enterprise (DBE), has been subjected to discrimination by the above named Subrecipient or contractors/consultants to the Subrecipient, based on race, color, national origin or sex may submit a complaint with the Wisconsin Department of Transportation, Office of Business Opportunity and Equity Compliance (WisDOT, OBOEC) Title VI Office, or with the Federal Highway Administration.\*

\*See contact information on Page No. 11

**In FFY 2020, Wausau Area Metropolitan Planning Organization shall adhere to the following provisions:**

1. annually submit your organization's internal complaint policies and procedures, and your process for disposition of Title VI Complaints.
2. ensure that a Title VI complaint form (or other reasonable method of submitting a timely and complete complaint) is readily available to the public at all locations where your organization conducts business.
3. develop or use a standard Title VI complaint form containing directions and submission information.
4. accept complaints written on a complaint form, written free-form or given verbally in person or over the telephone by a Complainant, or by a representative of the Complainant. A complaint may also be submitted in Braille or other reasonable format.
5. accept complaints submitted by U.S. Post, by email, on computer disk, flash drive, audio tape, or through other reasonable methods.
6. Subrecipient must, upon request, accept complaints in alternate formats from persons with disabilities.

## Subrecipient Complaint Processing Procedures

In FFY 2020, the Wausau Area Metropolitan Planning Organization shall implement the following Title VI complaint processing procedures:

1. Subrecipient employees must keep detailed records of all interactions with Complainants and potential Complainants throughout the organization.
2. All Title VI/Nondiscrimination complaints received throughout the Subrecipient organization must be immediately forwarded to the SUBRECIPIENT TITLE VI COORDINATOR.
3. Upon receiving a Title VI complaint, the SUBRECIPIENT TITLE VI COORDINATOR shall:
  - a) date stamp the complaint
  - b) log all complaints received by the Subrecipient with:
    - the date the complaint was received
    - the name of the Complainant (if available)
    - the nature of the complaint (if available)
    - the date and location where the complaint was forwarded
    - a record of any action or communication regarding the complaint
  - c) notify the Complainant that their complaint has been received, when and where the complaint has been forwarded, and the appropriate contact information for follow up.
4. The SUBRECIPIENT TITLE VI COORDINATOR shall annually submit a log of all Title VI complaints received, and any additional pertinent records to the WisDOT, Title VI Office.
5. The SUBRECIPIENT TITLE VI COORDINATOR shall advise Complainants, verbally, in writing, or within instructions appearing on a complaint form, that:
  - a) complaints should be in writing
  - b) a complaint typically must be filed within 180 days of the alleged discriminatory act in order for USDOT/FHWA to take action.
6. Additionally, the SUBRECIPIENT TITLE VI COORDINATOR shall advise Complainants verbally, in writing, or within instructions appearing on a complaint form, that Title VI/Nondiscrimination complaints should contain the following information:
  - a) name, address and phone number of the complainant
  - b) the date of alleged act(s) of discrimination or where there has been a continuing course of conduct, the date on which the discriminatory conduct last occurred
  - c) name(s) and address(es) of alleged discriminating party or parties
  - d) the basis of discrimination (race, color, national origin, sex or other)
  - e) a statement of the nature of the complaint
  - f) other agencies where the complaint has been filed
  - g) an explanation of the actions the Complainant recommends to resolve the issue raised in the complaint
  - h) The complaint must be signed by the Complainant or a representative of the complainant.
7. Upon receiving and logging a Title VI complaint, the SUBRECIPIENT TITLE VI COORDINATOR shall immediately forward the complaint, and any additional accompanying documentation or information, to the WisDOT, OBOEC, Title VI Office (see contact information below\*).
8. If requested or appropriate, the SUBRECIPIENT TITLE VI COORDINATOR shall inform the Complainant that the:
  - a) the Subrecipient, WisDOT and FHWA Division Offices do not investigate Title VI complaints
  - b) all complaints are routed through the FHWA, Headquarters Office of Civil Rights (FHWA, HCR) for processing
  - c) FHWA HCR determines whether to accept, dismiss, or transfer the complaint for investigation.

- d) the Complainant, the FHWA Division Office, WisDOT, and the Subrecipient (where applicable) will be notified when a determination has been made accept, dismiss, or transfer the complaint for investigation by the FHWA HCR.

**Subrecipients Forward Title VI Complaints To:**

Postal Mail	Wisconsin Department of Transportation OBOEC, Title VI Office Attn: Mary Robb, Title VI Coordinator 4822 Madison Yards Way, 5 <sup>th</sup> Floor South PO Box 7986 Madison, WI 53707-7986
Email	<a href="mailto:Mary.robbs@dot.wi.gov">Mary.robbs@dot.wi.gov</a>
Phone	608-267-4489

\*FHWA Title VI and Americans with Disabilities/Section 504 complaint forms can be found and submitted online at: <https://www.fhwa.dot.gov/civilrights/file/>

For additional USDOT Operating Administrations contact information, go to the following link: <https://www.transportation.gov/civil-rights/complaint-resolution/contacts>

9. In the event that a verbal complaint of discrimination is made to an officer or employee of the Subrecipient organization other than the SUBRECIPIENT TITLE VI COORDINATOR, the officer or employee shall immediately refer the Complainant to the SUBRECIPIENT TITLE VI COORDINATOR. The SUBRECIPIENT TITLE VI COORDINATOR will obtain the name and contact information of the Complainant and will inform the Complainant how to submit a complaint, and will provide assistance, if necessary.
10. The Subrecipient shall provide Title VI complaint handling training to all employees who might participate in complaint intake, handling, processing, or forwarding (see section E. "Training Procedures" above).
11. annually submit a report of the complaint information provided in the log of complaints (see number 3. Above) to the WisDOT, Title VI Office (see contact information above).

**J. Compliance and Enforcement Procedures**

**The Wausau Area Metropolitan Planning Organization should:**

1. annually complete and submit all information requested within the annual ***WisDOT Title VI/Nondiscrimination Compliance Survey for FHWA Subrecipients (WisDOT Subrecipient Title VI Survey)*** to the WisDOT, Title VI Office.
  - a) The ***WisDOT Subrecipient Title VI Survey*** is designed to provide a framework for Subrecipients to submit all information required by FHWA and as provided in this ***2020 ASSURANCES AND AGREEMENT***.
2. submit an outline of compliance and enforcement procedures to address deficiencies or noncompliance within your internal program areas and with contractors/consultants to the WisDOT, Title VI Office. Include a procedure for reviewing your organizational policies and directives, and how your policies and directives may intentionally or unintentionally impact Title VI protected classes.

3. take affirmative action to correct any deficiencies found by WisDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this **2020 ASSURANCES AND AGREEMENT** and the Acts and Regulations. The head of the Subrecipient shall be held responsible for implementing Title VI requirements.
4. develop and submit methods of administration, as required in A. through I. above, to fulfill the FHWA requirements of a *Title VI Implementation Plan*.
5. Annually submit additional information, as required by this **2020 ASSURANCES AND AGREEMENT** by submitting information that meets the following requirements of a ***Title VI/Nondiscrimination Accomplishments Report and Work Plan*** or within the ***WisDOT Subrecipient Title VI Survey***.

**a) Accomplishments Report**

List major accomplishments made regarding Title VI activities to include:

- the number and types of Title VI issues that were identified and actions taken to prevent discrimination.
- activities and efforts that the SUBRECIPIENT TITLE VI COORDINATOR and program area personnel have undertaken in the previous FFY to monitor Title VI Program implementation (refer to Sections A. through I. above)
- a description of the scope and conclusions of special reviews (internal or external) conducted by the SUBRECIPIENT TITLE VI COORDINATOR
- a log of the number and type of complaints received by the Subrecipient (see Section I. above)
- Include a summary and status report on any Title VI complaints filed with the Sub-Recipient.

**b) Annual Work Plan**

Outline Title VI monitoring and review activities planned for the coming year; state by whom each activity will be accomplished, the purpose of the activity, and target date for completion.

## **Sanctions**

In the event the **Wausau Area Metropolitan Planning Organization** fails or refuses to comply with the terms of this **TITLE VI ASSURANCES and IMPLEMENTATION PLAN AGREEMENT FFY 2020**, WisDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. refrain from extending any further assistance to the Subrecipient under the program from which the failure or refusal occurred, or any other program, until sufficient evidence of past correction of noncompliance and/or satisfactory assurance of future compliance has been received from the Subrecipient.
3. take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the Subrecipient.
4. refer the case to the U.S. Department of Justice for appropriate legal proceedings.

*(continued on next page)*

## Signatures

By signing this **Part 2: Implementation Plan Agreement**, the **Wausau Area Metropolitan Planning Organization**'s responsible official (named below) agrees, and is guaranteeing responsibility for the execution and implementation of this **Part 2: Implementation Plan Agreement**, and agrees that the **Wausau Area Metropolitan Planning Organization** is initiating or planning for the performance of tasks and procedures that are NOT REQUIRED in 2019, and implementing or is seeking assistance from the Wisconsin Department of Transportation to perform all REQUIRED aspects of the **Part 2: Implementation Plan Agreement** as provided herein.

### **Wisconsin Department of Transportation:**

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Signature/Title

Wisconsin Department of Transportation/OBOEC/Title VI Office

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Agency/Office

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Date

### **Subrecipient Executive Director or Responsible Official:**



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Executive Director or Responsible Official Signature

Frank Matel, Employee Resources Director, Marathon County

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Title

**Wausau Area Metropolitan Planning Organization**

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Subrecipient Agency/Organization

OCTOBER 4, 2019

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Date

