Title VI Annual Update

GEORGIA DEPARTMENT OF TRANSPORTATION

EQUAL EMPLOYMENT OPPORTUNITY OFFICE

September 2015

Prepared by: Title VI/ Environmental Justice Specialist

Title VI Annual UPDATE

Fiscal Year 2016

Table of Contents

Policy Statement.....0

Introduction..... 1

Authorities..... 1

Overview..... 2

Organization Chart..... 3

Accomplishments 4

Goals 6

GDOT Title VI Assurances..... .. 9

Title VI Complaint and Investigation Procedures..... 15

TITLE VI POLICY STATEMENT

The Georgia Department of Transportation (GDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. GDOT assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, 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. GDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, GDOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As provided under Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), GDOT shall not discriminate on the ground of sex and GDOT shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

When GDOT distributes federal aid funds to another governmental entity, GDOT will include Title VI language in all written agreements and will monitor for compliance.

GDOT's Equal Employment Opportunity Division (EEO) is responsible for initiating and monitoring Title VI activities, preparing required reports and other GDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Russell R. McMurry, P.E
GDOT Commissioner

8-7-15
Date

INTRODUCTION

The Title VI Annual Accomplishment Report details the accomplishments for the past year, July 1, 2014 through June 30, 2015, and the goals for the upcoming year. This report is prepared in accordance with 23 CFR, Part 200, and Section 200.9 (b) State action.

AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

The protections accorded persons under Title VI of the 1964 Civil Rights Act were, pursuant to Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), expanded to prohibit discrimination on the ground of sex.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 4601; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 13166; Executive Order 12898; Section 504 of the 1973 Rehabilitation Act (29 USC 790)

OVERVIEW

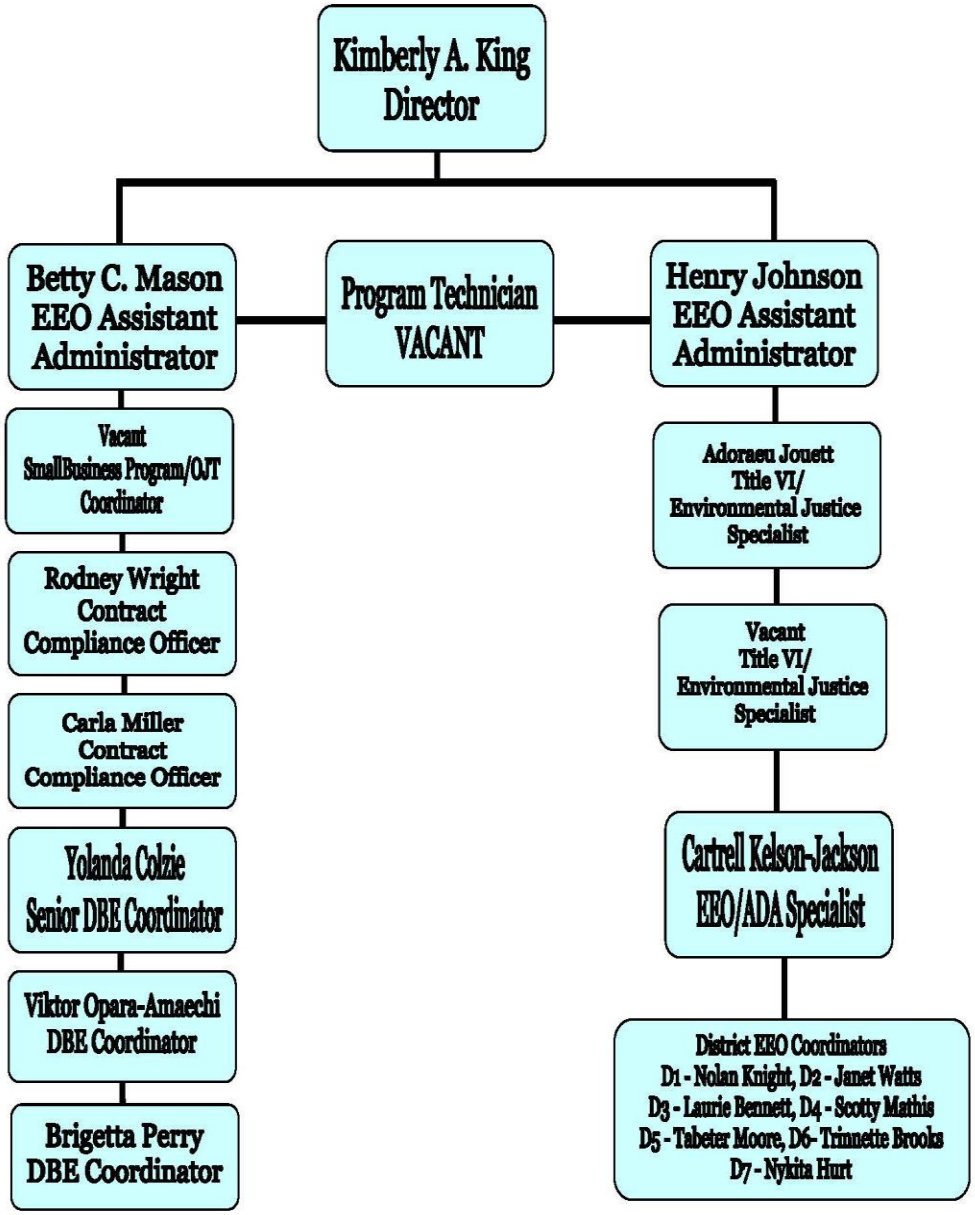
Title VI initiatives and directives are an integral part of the Georgia Department of Transportation's (GDOT) day to day operations. The GDOT Commissioner has ultimate responsibility for the Title VI Program. All management personnel who are to monitor the Title VI Program on a daily basis share this responsibility.

Pursuant to 23 Code of Federal Regulation, Part 200 and 49 Code of Federal Regulation, Part 21 the GDOT Commissioner can and has delegated responsibility for the overall development and implementation of the Title VI Program to the Division Director of the Equal Employment Opportunity Office (EEO). The day-to-day administration of the program and the responsibility for coordinating compliance with Title VI and this Annual Accomplishment Report are assigned to the GDOT's Title VI/Environmental Justice Specialist under the direct supervision of the EEO Assistant Administrator.

Duties associated with this responsibility include, but are not limited to, the following:

- Oversee Title VI implementation, compliance and monitoring
- Respond to complaints in the manner prescribed by the Implementation Plan
- Develop Title VI policy and procedure
- Coordinate submission of annual report and updates

EQUAL OPPORTUNITY OFFICE ORGANIZATIONAL CHART



8/12/2015

TITLE VI PROGRAM ACCOMPLISHMENTS

Title VI Program Plan

The updated Title VI Program Plan is pending approval by FHWA. Once the plan has been approved it will be printed and distributed statewide to employees (supervisory classifications and above). The Title VI Plan remains the guiding document for the GDOT. The 2015/2016 Title VI Program Yearly Update will be placed on the GDOT Title VI webpage pending FHWA approval.

Title VI Interdisciplinary Team

The Title VI Interdisciplinary Team is comprised of representatives from the following offices:

Office of Environmental Services	Office of Right of Way
Office of Road Design	Office of Urban Design
Office of Program Delivery	Office of Planning
Office of Intermodal	Office of Contracts
Office of Procurement	Office of Construction
District One	District Two
District Three	District Four
District Five	District Six
District Seven	

Title VI Compliance Reviews

A combination of 40 compliance reviews and desk audits were conducted during this reporting period.

Presentations and Training

Thirteen (13) statewide Title VI training sessions for local governments and appropriate staff were conducted by the Title VI/Environmental Justice Specialist during the FY2014/2015. Nine (9) of the Title VI training sessions included LAP presentations on Title VI. As of August 1, 2015 over sixty (60) individuals including GDOT staff have attended Title VI Training.

Additionally, The EEO Director and the Assistant Administrators of the Equal Employment Opportunity Office have made presentations to Senior Management and their executive staff on the Director's vision of EEO, Title VI, Affirmative Action, Diversity and Sexual Harassment prevention, the mission of the Equal Employment Opportunity Office, and the products, services, and training provided by the Equal Employment

Opportunity Office (EEO). The EEO reviews the EEO policy, directives and the discrimination complaint process.

Brochures

The brochure, "Title VI Program," which has been translated into one alternative non-English language: Spanish and which has been distributed statewide, is consistently utilized as needed.

Complaints

The Equal Employment Opportunity Office received two (2) Title VI complaints during this reporting period. The first Title VI complaint that was received by GDOT will be closed out pending a final close out letter from FHWA. The second Title VI complaint received by GDOT will be resolved once construction of a driveway is completed for complainant.

Internal Complaint Process

When staff members of the Georgia Department of Transportation's five (5) special program areas of Construction, Right of Way, Environmental, Research and Planning are presented with (or are otherwise made aware of) allegations of discrimination, they immediately notify GDOT's Title VI / Environmental Justice Specialist, so that the investigatory process can begin. These special areas have been trained on the Title VI complaint process and procedures and have been given the contact information for the Georgia Department of Transportation's Title VI/Environmental Justice Specialist if a complaint occurs.

The Current Title VI Complaint Process applies to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components. The Title VI Complaint form is located in the Title VI Program Plan and is listed below in the section entitled *Title VI Complaint and Investigation Procedures.*

The Title VI Complaint process includes Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by GDOT or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part

of an administrative process that does not provide for remedies including punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI /Environmental Justice Specialist may be utilized for resolution, at any stage of the process.

The Title VI/Environmental Justice Specialist will make every effort to pursue a resolution to the complaint. During initial interviews with the complainant and the respondent information regarding specifically requested relief will be discussed and noted.

Data Collection and Reporting

Data collection requirements will be issued in the Title VI Program Guidelines. Data Collection guidelines are also carried out by way of GDOT Environmental Compliance Manual.

GOALS FOR UPCOMING FISCAL YEAR 2016

Title VI Audits

The Title VI Program plans to conduct 24 Title VI Audit reviews of entities that receive federal funds to complete highway projects. The Title VI Program plans to conduct Title VI Audits on five (5) GDOT internal programs. The FHWA has stated that the program areas listed below should be given special focus. These program areas will be audited twice a year to ensure compliance with the requirements of Title VI.

- Right of Way
- Environmental
- Planning
- Construction
- Research

Compliance reviews are an important part of the Title VI Program's oversight function and provide an opportunity for the Title VI staff to:

- Provide technical assistance and guidance.
- Continue to provide technical assistance when corrective action is necessary.
- Continue to monitor corrective action to ensure compliance.
- Market and promote the Title VI Program to both our internal and external customers.

Guidelines

The Equal Employment Opportunity Office (EEO) is developing a Title VI Program Resource Manual that will provide transportation officials and staff a resource for Title VI Program mandates, resources, tools, contacts, and authority to carry out monitoring functions and data collection requirements. The Resource Manual will contain pertinent laws, legislation, executive orders and regulations governing the implementation of Title VI of the Civil Rights Act of 1964 and related statutes.

The Title VI/ Environmental Justice Specialist uses the Title VI Program Guidelines to assist Title VI staff, department personnel and sub-recipients to ensure processes are in place to maintain quantifiable proof of compliance with Title VI program requirements. The guidelines will also cover other critical program elements such as self-monitoring, data collection, Environmental Justice (EJ) and Limited English Proficiency (LEP). The Guidelines document will be a reference document designed to assist internal staff, partners and stakeholders implement the Title VI program requirements.

Presentations and Training

In 2014 the Title VI/Environmental Justice Specialist attended the American Association of Access, Equity & Diversity training to enhance existing knowledge with regard to current investigation processes.

The Title VI/Environmental Justice Specialist will participate in Civil Rights Training Seminars administered by Federal Transit Authority (FTA) & Federal Highway Administration (FHWA) as budget allows.

During the upcoming 2015/2016 Fiscal Year, the Title VI/ Environmental Justice Specialist will facilitate discussions and provide training to the Title VI Interdisciplinary Team. The topics of training will include but are not limited to:

- A review of the approved Title VI Program Plan and Title VI Guidelines.
- Title VI Liaisons Responsibilities for their program areas.
- Improving distribution methods for the Plan and the Guidelines.
- The Title VI training schedule.
- Limited English Proficiency resources.

Implement Statewide Training:

- Research and explore alternate formats for training and presentations (i.e. web-based or video training).
- Conduct training sessions designed for Title VI Interdisciplinary Team and Program Area Administrators relating to the Title VI Annual Update.
- Utilize the Guidelines in conjunction with the Plan and the Resource Manual to train departmental staff on the program requirements for Title VI and related statutes.
- Conduct Title VI Program Training statewide to reinforce the current Plan and Guidelines.

Performance Measures and Monitoring

- Work with emphasis programs, Divisions, and Districts to develop, implement and improve self-monitoring activities.
- Review will include special emphasis to ensure Executive Orders for Environmental Justice (EJ) and Limited English Proficiency (LEP) are incorporated into appropriate day to day activities.
- Develop, monitor, evaluate and revise as necessary Title VI Program performance measures.

Technical Assistance

- Provide ongoing technical assistance to internal and external customers.
- Maintain Resource Manual.
- Update the Title VI web site to include an updated Title VI & LEP plan.

Data Collection

- Assist internal and external customers in the development and implementation of data collection and self-monitoring mechanisms.
- Research and evaluate best practices for data collection and use as a resource for Title VI emphasis programs.

GDOT Title VI Assurances

The (***Title of Recipient***) (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

   "The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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 shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

8-7-15
Date

(Recipient)

by
(Signature of Authorized Official)

Attachments: Appendices A, B and C.

APPENDIX A

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text including the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any GDOT contractor.

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

1. **Compliance with Regulations**
   The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment**
   In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. **Information and Reports**
   The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the ***(Recipient)*** or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the ***(Recipient)***, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**
   In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the ***(Recipient)*** shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
   b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as the ***(Recipient)*** or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the ***(Recipient)*** enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

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

Granting Clause

NOW, THEREFORE, the Georgia Department of Transportation (GDOT)—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the GDOT in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, 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 the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia , 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 shall, on the grounds of race, color, sex, disability, national origin, age, or religion, 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*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, GDOT and its assigns as such interest existed prior to this instruction.[1]

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

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a GDOT program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation— Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

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

Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by GDOT or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies include punitive damages or compensatory remuneration for the complainant.

However, every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. During initial interviews with the complainant and the respondent information regarding specifically requested relief and settlement opportunities will be discussed and noted.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to Discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with GDOT's Title VI Coordinator, the Federal Highway Administration, Civil Rights Specialist, in the Atlanta Georgia Regional Office or with the Department of Justice. Complaints filed against GDOT shall be forwarded to the Federal Highway Administration, Civil Rights Specialist for investigation and adjudication. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant and must meet the following requirements:

    a. Complaint shall be in writing and signed by the complainant(s) or his representative.
    b. Include complainant's name, address and telephone number, date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct). Should a third party write and sign the complaint on behalf of complainant, include that person's name, address, telephone number and his/her relationship to complainant. If complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.
    c. Provide the name of the alleged discriminatory institution, official, job title and a description of the issues, including names of witnesses or anyone who can clarify the circumstances surrounding your complaint.
    d. Complaints received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. Otherwise, Title VI complaints may be mailed or hand delivered to GDOT's EEO Office for processing.

e. Allegations received by telephone will be reduced to writing and provided to the complainant for additional information and/or revision. A Title VI complaint form will subsequently be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.

2. Within five (5) days of receipt of the complaint, the Title VI Coordinator will mail an acknowledgement letter to complainant and forward a copy of the letter and the complaint to FHWA HCR. A determination of GDOT's jurisdiction, need for additional information, as well as the investigative merit of the complaint will be made by the FHWA HCR. Federal Highway Administration's Headquarter Civil Rights Office shall assign a control number and adjudicate the case upon receipt of the completed investigative file. Complaints processed by Georgia DOT are bound by the time frames outlined in 23 CFR 200.9(b) (3).

3. A complaint may be dismissed for the following reasons:

   a. The complainant requests the withdrawal of the complaint.
   b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
   c. The complainant cannot be located after reasonable attempts.

4. The complaint will be logged in and shall identify its basis and alleged harm along with the race, color, national origin, and gender of the complainant.

5. In cases where GDOT assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to submit his/her response to the allegations to the Title VI Coordinator.

6. Within 60 calendar days of the acceptance of the complaint, the Title VI Investigator will prepare an investigative report inclusive of a narrative description of the incident, all evidentiary support documentation from each party, identification of persons interviewed, findings, and recommendations for disposition for review by the EEO Assistant Administrator before submitting the file to FHWA HCR.

7. Once review by the EEO Assistance Administrator is complete, the file will be submitted to FHWA HCR in Washington DC for adjudication. FHWA HCR will apprise all parties involved of its record of decision and appeal rights.

8. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal GDOT's opinion to the FHWA — Georgia Division Office, USDOT or USDOJ. Appeals must be filed within 180 days after GDOT's final resolution. Unless new facts not previously considered come to light, reconsideration of GDOT's opinion will not be available.

GEORGIA DEPARTMENT OF TRANSPORTATION

Title VI Complaint Form

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

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to: Equal Employment Opportunity Division, Title VI/ Environmental Justice Specialist, Georgia Department of Transportation, 600 West Peachtree Street, N.W., 7th Floor, GA 30308.

1. Complainant's Name _____
2. Address_____
3. City, State and Zip Code_____
4. Telephone Number (home) _____ (business) _____
5. Person discriminated against (if someone other than the complainant)

   Name_____

   Address_____

   City, State and Zip Code_____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

   a. Race/Color_____

   b. National Origin_____

   c. Other _____

7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

☐ Yes ☐ No

If yes, check all that apply:

☐ Federal agency ☐ Federal court ☐ State agency ☐ State court ☐ Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name_____

Address_____

City, State, and Zip Code _____

Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

_____ _____

Complainant's Signature Date