

# 2023 TITLE VI PROGRAM PLAN

GEORGIA DEPARTMENT OF TRANSPORTATION



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Georgia Department of Transportation  
Title VI Program Plan

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## **INTRODUCTION**

In compliance with Title VI, Georgia Department of Transportation (GDOT) in implementing this plan shall consistently strive to prevent discriminatory practices in its programs, policies and activities. Proactive measures shall be undertaken on a continuum to achieve meaningful public participation and to ensure that treatment, services, contracting opportunities, training opportunities, investigation of complaints, fund allocations and project prioritization are accorded without regard to race, color, and national origin.

Georgia is a diverse state with many races and languages. Outreach and education is key to helping citizens and communities in Georgia understand what Title VI is and how it can extinguish discrimination. To that end, the Department shall ensure that its activities, policies and programs will not treat any part of the community any differently than another.

This implementation plan identifies with specificity GDOT's Title VI roles and responsibilities relative to each program area, data collection practices, assurances, policies and procedures. Additionally, the Department requires its managers, supervisors, employees, and sub-recipients of Federal-aid funds administered by the Department to be aware of and routinely apply Title VI of the Civil Rights Act of 1964 in performing assigned duties.

Increased awareness is facilitated through the use of district and headquarters liaisons who actively participate in Interdisciplinary Team meetings. The objective of this Team which includes representatives from the program areas of Construction, Transportation Services Procurement, Training and Development, Environmental Services, Planning, Roadway Design & Design Policy and Support, Bridge Design and Right of Way, is to assist GDOT and its sub-recipients in maintaining a proactive posture. By providing the requisite education needed, by developing and employing communication strategies and by engaging in continuous interaction to ensure nondiscrimination in all programs, policies and activities, the department and its sub-recipients will consistently remain compliant with Title VI of the Civil Rights Act of 1964 and all related statutes and regulations.

The Equal Employment Opportunity (EEO) Office shall develop, oversee and enforce GDOT's Title VI plan and program compliance which shall become effective upon review and approval by the Federal Highway Administration (FHWA).

## **DISCRIMINATION UNDER TITLE VI**

There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment (i.e. intentional discrimination) and (2) disparate impact/effects. An intent claim alleges that similarly situated persons are treated differently because of their race, color, or national origin.

The second type of discrimination is disparate impact or disparate effects. This type of discrimination occurs when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

GDOT's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, services, contracting and training opportunities, investigation of complaints, allocation of funds, and prioritization of projects. It applies to all departments within GDOT, especially those with a direct effect on the public such as planning, project design, environmental review, right-of-way, construction, traffic operations, and communications.

### **Specific Forms of Discrimination Prohibited**

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

In addition, GDOT, as a state agency administering a continuing program which receives federal financial assistance, must establish a Title VI compliance program for all sub-recipients that obtain federal assistance through it.

## **KEY DEFINITIONS**

**Beneficiary:** Any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

**Disparate Impact:** Discrimination that occurs when a facially neutral policy, procedure, or practice results in different or unequal treatment, and such policy or practice lacks a substantial legitimate justification. Under USDOT regulations, recipients may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

**Disparate Treatment:** Intentional discrimination, or disparate treatment, happens when a recipient acts, at least in part, because of the actual or perceived race, color, or national origin of the alleged victims of discriminatory treatment.<sup>1</sup> Discriminatory intent need not be the only motive, but a violation occurs when the evidence shows that the entity adopted a policy at issue “‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.” While one must show that the recipient was motivated by an intent to discriminate, the recipient’s decision makers do not have to have acted in “bad faith, ill will or any evil motive....

**Federal financial assistance and Federal-aid** (49 C.F.R. § 21.23(c)) includes:

- (1) Grants and loans of Federal funds;
- (2) The grant or donation of Federal property and interests in property;
- (3) The detail of Federal personnel;
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

**Local Public Agency (LPA)** (23 C.F.R. § 635.102): any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the STA in highway matters.

**Metropolitan Planning Organization (MPO):** The policy board of an organization created and designated to carry out the metropolitan transportation planning process for each urbanized area with a population of more than 50,000 individuals (e.g. the Regional Transportation Council (RTC)

- (a) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or
- (b) in accordance with procedures established by applicable State or local law.

**Minority:** A culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group. The race and ethnicity categories below are included in the definition of "Minority" provided by: the Council on Environmental Quality *Environmental Justice Guidance Under the National Environmental Policy Act*, the U.S. Department of Transportation (USDOT) Order 5610.2(a), and FHWA Order 6640.23A.

American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."

Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Programs or Programs and Activities** (49 C.F.R. § 21.23(e)): all of the operations of any of the following entities, any part of which is extended Federal financial assistance:

- (1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
  - (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
- (2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(5) Any other entity which is established by two or more of the entities described above.

**Recipient (49 C.F.R. § 21.23(f)):** any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

**Statewide transportation improvement program (STIP):** A statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.”

**Sub-recipient:** A recipient entity that receives federal funding from a Primary recipient (e.g. [SDOT]) to carry out a federal program.

**Transportation improvement program (TIP):** A prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

## 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.

  
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Russell R. McMurry, P.E.

Georgia Department of Transportation Commissioner

7/12/2022  
Date



## **ORGANIZATION AND STAFFING OF CIVIL RIGHTS DIVISION**

The Agency civil rights function is housed in the Equal Employment Opportunity Office (EEO). The EEO Director oversees the civil rights activity with a staff of nineteen, in the following areas of assignment: DBE, Contract Compliance, EEO/AA/ADA, and Title VI. Each area is managed by an Assitant Administrator, one for Internal Program activity and one for External Program activity. Each Administrator reports to the EEO Director.

The Title VI/Environmental Justice Specialist is responsible for carrying out all Title VI considerations within the Department as developed and coordinated by the Director and or Administor. Specific responsibilities include:

- ◆ Develop and Enforce Departmental Policies on Title VI of the Civil Rights Act of 1964.
- ◆ Investigate Title VI Complaints.
- ◆ Evaluate Transportation Projects for Consistency with Environmental Justice and Title VI Guidelines.
- ◆ Prepare Written Documents on Environmental Assessments and Impact Statements.
- ◆ Evaluate the Adverse Impact and Benefits of Transportation Practices on Minority Citizens, Low Income, Elderly and Other Communities.

Daily communication regarding Title VI activity occurs between the Title VI/Environmental Justice Specialist and the Assitant Admininstrator for Internal Programs. As necessary, the Specialist, the Administrator and the EEO Director meet to discuss any comment, concern or issue regarding Title VI within the Agency. The Specialist has direct and unfettered access to the Commissioner, as the Agency head, per the attached Organizational Chart and is able to discuss any Title VI issues within the Agency at the Commissioner's direction and convenience.

There are eight (8) designated Core Program areas where Title VI Liaisons are housed and each is tasked with Title VI responsibility specific to their unit of assignment. The Title VI oversight in those units include regular meetings with and reviews of the non-discrimination activity specific to the work unit and report of same to the Title VI/Environmental Justice Specialist.

## **PROGRAM AREA REVIEW PROCEDURES**

The Title VI / Environmental Justice Specialist shall be responsible for the overall administration of Title VI and shall coordinate the overall administration of the Title VI Program, Plan, and Assurances. This coordination responsibility shall include an annual review of each Program area, collection of relevant data demonstrating compliance with Title VI responsibility, and an assessment of the effectiveness of the Program activity in furtherance of Title VI. The effectiveness of the Program activity is measured by an annual audit done in each of the Program areas. In response to the coronavirus pandemic, there has been an inability to meet in person to conduct reviews. However, the review process is able to be done virtually and communication is made with the sub-recipients to arrange their review(s) that way. TEAMS, ZOOM and GoTo Meeting are all platforms that have been made available to accomplish the review. The Specialist is able to secure the data electronically and the virtual review is equivalent in scope and engagement to the in-person review.

## **TITLE VI LIAISON RESPONSIBILITY (IN CORE PROGRAM AREAS)**

The special core program areas within GDOT are as follows:

- Office of Construction
- Office of Transportation Services Procurement
- Office of Training and Development
- Office of Environmental Services
- Office of Planning
- Office of Roadway Design and Design Policy & Support
- Office of Bridge Design
- Office of Right of Way
- 7 District Office Liaisons

To increase awareness of GDOT's commitment to its Title VI Program, the interdisciplinary team, which is comprised of a departmental liaison from each program area in the general office and one liaison from each district office, meet regularly. The Title VI Specialist and the Assistant EEO Administrator officiate. Annually, each Title VI Liaison submits a Title VI Annual Accomplishment and Upcoming Goal Report. Liaisons are responsible for ensuring compliance through program monitoring, reporting, and education within their respective program areas and district offices. Unlike liaisons situated within the general office, each District Office liaison shall be responsible for all program areas within their respective district office. However, all employees including administrators in the general office and the district offices, Title VI liaisons and the Title VI Coordinator shall work collectively to maintain heightened levels of Title VI responsibilities, requirements and compliance standards. The process for reviewing individual program areas is described below:

### **1. DIVISION OF CONSTRUCTION**

The Division of Construction shall be responsible for the administration of new construction projects. It shall have oversight responsibilities to ensure that cities, counties, and MPOs comply with the administrative requirements of Title VI. The Planning Office shall perform project management reviews to ensure local agencies' adherence to Title VI administrative requirements and shall advise and assist local agencies in the management of Title VI complaints.

### ***Title VI Liaison Responsibilities***

The Division of Construction Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the department's construction process. The Liaison shall:

- Effectively identify and extinguish the unfair advantage, if any, by providing equal economic opportunity for all qualified contractors to compete for project awards by doing the following:
  1. Review contractor selection procedures to determine uniformity in their application to minority and non-minority contractors. This review is accomplished by securing submitted proposals and identifying the firms that have been awarded as Prime and further identifying the firm(s) that will perform subcontract activity,
  2. Refer to the GUCP directory to make certain that minority contractors and subcontractors are being informed about appropriate contracting opportunities,
  3. Maintain a record of any complaints received regarding the application of construction rules and regulations to ensure that they are being applied in an equitable fashion.
- Enforce bid advertising and bid opening procedures,
  1. Plan, Specification and Estimate (PS&E) approval and project authorization to proceed based on assurances that right-of-way requirements have been met or that arrangements have been made for coordination during construction,
  2. Relocation of individuals and families have been properly addressed, and a record of the relocations is maintained,
  3. The public involvement/hearing process and the location and design approval process have been addressed satisfactorily, by the creation and maintenance of a process record to include identification of impacted community, notification to community and accommodation(s) provided as required for the community to meaningfully participate in the process,
  4. 23 CFR Part 771 provision requirements fulfilled and appropriate measures shall be included in the PS&E to ensure all conditions and commitments made in the development of the project to mitigate environmental harm are met,
  5. Completion of area wide review shall be accomplished; and the PS&E for FHWA, remedial action agreed upon by GDOT and the FHWA will be reduced to writing in the form of a report which will be presented to any appropriate sub-recipient.  
*\*Said report will indicate the nature of the Title VI violation, identify corrective measures that must be effectuated, and identify the period of time required to complete the corrective measures, which shall not exceed 90 days.\**
- Advertising policies and practices shall be monitored to assure free and open competition which includes requirements and practices involving-licensing, bonding, prequalification and bidding and Title VI nondiscrimination assurances with regard to age, race, color, sex, national origin or disability.
- Projects for bid shall be listed in the Notice to Contractor (NTC) which shall be posted on the GDOT's Office of Construction Bidding Administration's website, provide information via the State Procurement (DOAS) site and advertise in newspapers, trade journals or other appropriate media for at least the minimum advertisement period of 3 weeks. Addendums shall issue to correct plan and/or specification errors or to append current contract document items.

- GDOT’s project engineer shall be cognizant of the contractual requirement(s) and shall monitor the contractor for compliance focusing on whether discriminatory practices exist with respect to hiring, firing, training, promotion, wages, payment schedule and utilization of employees.

Annually, the Title VI Specialist will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Construction Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area’s non-discrimination activity.

## **2. OFFICE OF TRANSPORTATION SERVICES PROCUREMENT**

The Office of Transportation Services Procurement (TSP) is responsible for consultant selection, negotiation, and administration of GDOT’s consultant contracts and operates under GDOT’s internal contract procedures and all relevant federal and state laws. (TSP) is tasked with the selection and procurement of services in direct support of GDOT planning, preconstruction, construction, maintenance initiatives, miscellaneous project support and alternative project delivery methods, and other procurements supporting transportation programs. This work includes placement of all architectural and engineering services contracts. Task orders submitted to the Consultant Selection Board or from a scored and ranked register initiate the consultant selection process. Upon completion of the consultant selection process, TSP shall assist the department’s project manager with negotiations and administration of the contract. The office shall comply with provisions set forth in Title 23 Code of Federal Regulations Part 172, Title 48 Code of Federal Regulations Part 31.

### ***Title VI Liaison’s Responsibilities***

The Office Transportation Services Procurement Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency’s consultant contracts process. The Liaison will:

- Monitor minority owned business participation in procurement activity by maintaining a record of the ownership of awarded firms and that of firms that were not awarded,
- Identify minority owned firms that were not awarded and provide notification to EEO for Supportive Services assistance, where appropriate,
- Review awards for fairness and equity in provision of contract opportunity,
- Advertise the availability of contract opportunity on GDOT website to assure full and fair notification to any interested vendor,
- Include Title VI language in contracts and Requests for Proposals (RFP) as described below:
  - Ensure the text in Appendix A of Addendum 1 is included in all agency contracts.
  - Notify all contractors that the text in Appendix A of Addendum 1 (minus section 6) should be included in all subcontracts.
  - Ensure the Title VI Notice to the Public is included in all GDOT RFPs.
  - Ensure the abbreviated Title VI Notice to the Public is included in all published announcements of GDOT’s RFPs (such as those published in newspapers).
  - Ensure the text in number 2 of the GDOT Title VI Assurances (Addendum 1) is included in all GDOT RFPs.
  - Maintain necessary data and documentation required for completion of the department’s Title VI Update Annual Report.

Annually, the Title VI Specialist will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Procurement Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

### **3. OFFICE OF TRAINING AND DEVELOPMENT**

The Office of Training and Development shall provide the tools needed for GDOT's employees to succeed in today's workforce. Opportunities for training shall be provided and resources needed to assist, manage and develop high performance teams shall be readily available.

#### ***Title VI Liaison's Responsibilities***

The Office of Training and Development Title VI liaison shall be responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the office's training process. The Liaison will:

- In conjunction with managers and executives, ensures that all employees have equal access to training,
- A monthly report on the number of participants and the sex and ethnicity of participants attending training classes and workshops will be maintained,
- Employees are equitably notified of training opportunities and training that supports advancement within the Agency,
- An electronic record of employee training is maintained and produced as appropriate,
- Accessibility to Minority/Women/Disadvantaged Business Enterprise consulting/training firms to compete for training contracts is afforded and a record of notification to those firms is maintained,
- If not selected, a debrief on the reason for non-selection may be provided to the Minority/Women/Disadvantaged Business Enterprise firm,
- The selection of instructors for training courses and workshops will be reviewed to determine if fairness was used in the selection process and to assure equal opportunity on all training contracts,
- Program administration documentation and data necessary for preparation of Annual Title VI Update will be maintained,
- Reviews directives and manuals to ensure adherence with Title VI requirements.

Annually, the Title VI Specialist will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Training Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

### **4. OFFICE OF ENVIRONMENTAL SERVICES**

The Office of Environmental Services (OES) shall assist in the integration of environmental considerations and regulatory requirements into GDOT's transportation program. OES shall provide technical expertise for project analyses and develop environmental policies, procedures, manuals, and training. OES shall work with regulatory agencies to streamline the environmental permit process. A systematic process is used to study and evaluate all necessary environmental aspects of a proposed

project, including social and economic. OES also shall serve as a forum for GDOT, MPO's, local agencies, and the public in the development of transportation plans and programs; and for public involvement in the project selection process in accordance with Public Involvement Process. That process is described in detail in the Agency's Statewide Transportation Improvement Program (STIP). Please see attached link [Spanish Version: www.dot.ga.gov/stip](http://www.dot.ga.gov/stip)

Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), Georgia Environmental Policy Act (GEPA) checklist, GEPA Determination of Non-significance (DNS), or NEPA and/or GEPA Environmental Impact Statement shall be completed. The Office of Environmental Services also develops agreements, guidance documents and training programs with the Regulatory and Resource Agencies.

Specific to public outreach and Limited English Proficient persons, the Office of Environmental Services shall:

1. Include a public involvement policy statement which specifically provides for GDOT's commitment to Title VI compliance in all of its public reporting;
2. Continue to make every effort to hold public meetings in the project corridor and in areas convenient and accessible to the public.
3. Use site visits, census data, and local contacts (local officials, etc.) to profile the community where a federally funded project is planned, so that Limited English Proficient (LEP) persons are identified and accommodated. GDOT will utilize methods to avoid, minimize or mitigate for disproportionately high and adverse human health and environmental impacts to low income and minority populations caused by our policies, programs or activities. Not only shall Title VI information be made available at each meeting but documents shall be translated and/or translators shall be provided at no cost to elicit full participation from all citizens within the affected area; and
4. Provide the opportunity for individuals to learn more about Title VI on a continuum by making available publications in different languages, apprising the public of Georgia DOT's Title VI website and by maintaining ongoing dialogue with the community commencing at the concept stage through to project completion.

#### ***Title VI Liaison's Responsibilities***

The Office of Environmental Services Liaison shall be responsible for state environmental review, and Title VI environmental justice compliance in all aspects of GDOT's work that triggers environmental review requirements under NEPA and GEPA. The Liaison will:

- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Conduct public information meetings to review the project impact,
- Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems,
- Coordinate the gathering of Environmental information for the Annual Title VI Update Report including awards to DBE firms,
- Notify and make accessible to affected protected group residents public meetings or hearings regarding a proposed project,
- Develop mechanisms to identify population affected by a project,
- Ensure public participation in the location selection process,

- Ensure Title VI / Environmental Justice compliance in all Environmental Impact Statements in coordination with OEO's Title VI Coordinator,
- The Environmental Affairs Liaison is responsible for state environmental review, and Title VI environmental justice compliance in all aspects of GDOT's work that triggers environmental review requirements under GEPA. The Liaison will:
- Ensure Title VI / Environmental Justice compliance, in coordination with the Title VI / Environmental Justice coordinator of all EISs prepared by OEL,
- Analyze and make findings regarding the population affected by the action,
- Analyze and make findings regarding the impacts of the project on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups,
- Prepare materials for distribution to local organizations/groups announcing the opportunity to provide comment,
- Review GDOT's activities for compliance with the Public Involvement Process,
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organization, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

Annually, the Title VI Specialist will review and offer comments on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Environmental Services Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

## **5. OFFICE OF PLANNING**

The Office of Planning is responsible for developing long-range and short-range transportation plans to provide efficient transportation services for the State of Georgia. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. The Office of Planning coordinates with cities and counties; seeks public involvement; provides technical support when needed; forecasts population and transportation trends that provide the basis for addressing current issues and explores future needs and options that could benefit the region. It also serves as a center for the collection, analysis, and dissemination of information vital to residents and governments in the state. GDOT's statewide and the metropolitan planning process shall encourage a cooperative, continuous framework for making transportation investment decision throughout Georgia and the Metropolitan Area.

The Office of Planning shall:

1. Mitigate for adverse impacts resulting from its project plans and programs by utilizing resources that will encourage effective public involvement/participating in the planning process by transportation stakeholders, ranging from freight community to environmental groups to the general public;
2. Provide opportunity for active involvement of Indian tribal government in statewide and metropolitan transportation planning and programming.
3. Be proactive and seriously consider input from minority groups/persons;

4. Will not implement projects that are inconsistent with nondiscrimination requirements which potentially could occur because the major area of impact by plans and programs is through the decision process which selects one or more planned improvements over other options,
5. During the planning process, collect and analyze data that reflects the metropolitan area and appropriately address:
  - Community boundaries.
  - Racial and ethnic makeup
  - Income levels, property taxes, etc.
  - Community services, schools, hospitals, shopping areas
6. Ensure a balanced view of the Social, Economic and Environmental effects and impacts identified and described by each project, program or activity by utilizing a systematic interdisciplinary approach which increases the likelihood that the overall decision-making process is sensitive to and addresses community impacts.
7. Make every effort to ensure minority and women-owned businesses have opportunities to bid on and undertake contracting opportunities for planning studies, corridor studies, or other work shall be provided to minorities and women.

Those changes reflected in the implementing rules 23 Code of Federal Regulations (CFR) 450, Subpart B, covering statewide planning and Subpart C, covering metropolitan planning shall be observed. Additionally, 23 CFR 500 requiring Management and Monitoring Systems and 40 CFR 51 and 93, dealing with air quality conformity will be strictly construed.

***Title VI Liaison's Responsibilities***

The Planning Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the office's planning process. In addition, the Liaison will:

- Ensure all aspects of the planning and programming process operation comply with Title VI, by identifying and gathering appropriate data, state-wide and project specific to address issues of equity and non-discrimination,
- Ensure that any public program activity consider accessible location, adequate time and appropriate translation services are provided as necessary,
- Assist the Title VI/Environmental Justice Coordinator in gathering and organizing the Planning portion of the Annual Title VI Update Report,
- Review the Planning work program and other directives to ensure compliance with Title VI Program requirements,
- Ensure equal opportunities for participation on any Citizens Advisory Committee (CAC) by reviewing information pertaining to their selection criteria for CAC members and obtaining information on membership makeup (race, gender, and position within the organization) for evaluation,
- Assist Title VI / Environmental Justice Coordinator with visits to CAC meetings as well as public meetings when offered in predominantly ethnic minority communities to verify the level of participation of Title VI protected group members. Collect data on gender, race, limited English proficient persons and national origin of public forum attendees,



- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. When appropriate, said data shall be gathered and analyzed for specific project(s),
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents,
- Continue to ensure participation by staff in roundtable meetings in predominantly minority communities to help guarantee all social, economic, and ethnic interest groups in the region are represented in the planning process,
- Prepare materials for distribution to local organizations/groups announcing the opportunity to provide comments,
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organization, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

Annually, the Title VI Specialist will review and offer comments on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Planning Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

## **6. OFFICE OF ROADWAY DESIGN AND DESIGN POLICY AND SUPPORT (FKA URBAN DESIGN, ROAD DESIGN AND LOCATION)**

The Office of Roadway Design and Design Policy and Support are comprised of the offices formerly known as Urban Design, Road Design, Airport Design and Location. Areas of responsibility shall include: developing construction and right of way plans for roadways within the major urban areas of the state, which includes metropolitan Atlanta, Savannah, Augusta, Macon, Albany, and Columbus; performing studies to assess various environmental factors as they relate to project development including social and economic elements; providing technical support during the project development process; engineering/design and project management of a variety of urban and rural interstate projects and major arterial projects throughout the State of Georgia including plan preparation for concepts, right-of-way plans, and construction plans. Additional design projects include Safety Rest Areas, Welcome Centers, and Truck Weigh Stations, highway lighting projects, and minor airport design projects in rural Georgia. Additional responsibilities include providing engineering technical support to GDOT staff and consulting engineering firms in the areas of Design Policy, Hydraulic & Hydrology Studies, Georgia Standard Drawings & Construction Details, CADD Standards, prepare concept design, prepare surveys and Civil Design Software.

### ***Title VI Liaison Responsibilities***

The Office of Roadway Design and Design Policy and Support Title VI Liaison shall be responsible for evaluating and monitoring compliance with Title VI requirements in the development of construction and right of way plans process. In addition, the Liaison shall:

- Ensure that all aspects of the location selection process comply with the Title VI requirements,
- Develop and record mechanisms used to identify affected populations,
- Once identified, make certain that any relevant program information is available in format accessible to that population(s),

- Consult and seek input from affected populations,
- Maintain a record of the populations demographics for review and analysis,
- Assure notice of public hearings and meetings in minority newspapers and newsletters,
- Monitor program components for compliance with the Title VI requirements,
- Maintain required Title VI compliance documentation and statistical data on hearing attendees,
- Review activities associated with public hearings to enhance the participation of targeted communities,
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions,
- Gather program area data to be included in the Title VI Annual Update Report.

Annually, the Title VI Specialist will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Roadway Design Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

- **OFFICE OF BRIDGE DESIGN**

The Office of Bridge Design works primarily with roadway designers of Roadway Design and the District offices to design the structures that they need on their projects. Though this typically consists of bridges, they also design walls and culverts and anything else that requires structural design. The State Bridge Maintenance Engineer serves as an assistant to the State Bridge Design Engineer. He shall be responsible for inspecting all the bridges and bridge culverts in the State (including county bridges) every two years; maintaining maintenance records, setting sufficiency ratings of bridges and maintaining old plans for bridges; evaluating bridges. It is important to coordinate with the maintenance office when doing work that will affect existing bridges.

***Title VI Liaison Responsibilities***

The Office of Bridge Design Title VI Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in the design process. In addition, the Liaison will:

1. Ensure that all aspects of the location selection process comply with the Title VI requirements.
  - Develop and record mechanisms used to identify affected populations,
  - Once identified, make certain that all relevant program information is available in format accessible to that population,
  - Consult and seek input from affected populations,
  - Provide notice of public hearings and meetings in minority newspapers and newsletters.
  - Maintain a record of the populations' demographics for review and analysis,
  - Monitor program components for compliance with Title VI requirements.
  - Assure meaningful public participation in the selection process,
  - Provide notice of public hearings and meetings in minority newspapers and newsletters,
  - Maintain required Title VI compliance documentation and statistical data,
  - Monitor program components for compliance with Title VI requirements,
  - Review activities associated with public hearings to enhance the participation of targeted communities,
  - Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions,
  - Gather program area data to be included in the Title VI Annual Update Report.

Annually, the Title VI Coordinator will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Bridge Design Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

## **7. OFFICE OF RIGHT OF WAY**

The Office of Right of Way manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. The office falls under the Division of Engineering. The Office of Right of Way shall participate in informational meetings and shall address Title VI acquisition, relocation and appraisal concerns expressed by all attendees. After each meeting, Right of Way personnel will respond in writing to all written comments taken during the informational meeting. The property acquisition process follows the Right of Way Manual and all applicable laws, regulations and Title VI requirements.

### ***Title VI Liaison Responsibilities***

The Right of Way Liaison ensures that appraisals, purchases, and sales are conducted on a nondiscriminatory basis through standardization of procedures, uniformity of administration, and published information that concerns Title VI considerations in brochures, pamphlets and public notices. Additionally the Liaison will:

- Ensure participation by Minority/Women/Disadvantaged Business Enterprises as identified by the Equal Employment Opportunity Division (EEO) in Professional Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management,
- Ensure participation by minority/women disadvantaged business appraisers by updates to fee appraiser directories identifying minority and female appraisers,
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process,
- Conduct annual implementation reviews of Title VI provisions within the entire real estate acquisition process and maintain a record of said review,
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business,
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment,
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process,
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendix B and C of Addendum 1).
- Gather the statistical data required for completion of GDOT's Annual Title VI Update Report including awards to minority and female appraisers, number of condemnations, along with the race and gender of the property owners subject to condemnation, number of relocations, along with the race and gender of the property owners subject to relocation.

Annually, the Title VI Coordinator will review and offer comment on the Title VI Annual Accomplishments and Upcoming Goal Report submitted by the Title VI liaison for the Right of Way Program area. The review will include collection of the above described data and discussion with the liaison regarding its division activity relative to non-discrimination. Also, a Title VI Audit is conducted of the Program area that is submitted to the Title VI Specialist annually. The Audit provides the Title VI Specialist with information necessary to determine the effectiveness of the Program area's non-discrimination activity.

## **8. GDOT District and Satellite Offices**

The District and Satellite offices have oversight responsibilities to ensure that all of their special emphasis program areas comply with Title VI requirements within the region. These offices will coordinate efforts with EEO and the General Office Title VI liaisons for Title VI compliance.

### ***Metropolitan Planning Organizations***

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO must develop a four (4)-year Transportation Improvement Program (TIP) and develop and implement an annual Unified Planning Work Program (UPWP). The Transportation Planning Division assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the state of Georgia:

- Albany MPO
- Athens-Clarke County MPO
- Atlanta Regional Commission
- Augusta MPO
- Brunswick MPO
- Columbus-Phenix City MPO
- Dalton MPO
- Gainesville-Hall MPO
- Hinesville MPO
- Macon-Bibb County Planning & Zoning Commission
- Rome/Floyd CPC
- Coastal Region MPO (CORE-MPO)
- Valdosta-Lowndes MPO
- Warner Robbins MPO
- Chattanooga Hamilton County RPA
- Cartersville/Bartow MPO

### Compliance Monitoring – MPO

- GDOT uses the Statewide Long-range Transportation Plan, the Transportation System Projects, Statewide Transportation Improvement Program, the Regional Transportation Plans (RTP), and the Transportation Improvement Plans (TIP) developed by the four Metropolitan Planning Organizations to monitor strategies and goals of the transportation planning process to ensure Title VI compliance.
- GDOT monitors the MPOs utilization of demographic information to identify minority populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups.
- GDOT and the MPOs developed public outreach and participation plans that outline processes and strategies to ensure the service equities of the planning data collection and analyses for members on different socio-economic groups.
- GDOT conducts public meetings and hearings and has numerous boards and committees that are open to participation during the development of plans, programs, and projects that may involve various modes of travel. Federal, state, local government and private industry representatives are included in these processes to improve performance and eliminate participation barriers for minority populations.
- GDOT monitors MPO compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers.
- GDOT's and the MPO's plans contain goals, strategies, and performance measures to assist in identifying and addressing accomplishments and problem areas.
- GDOT and the MPOs develop travel demand models for the large and small urban areas of the state to analyze travel patterns by demographics.

Statewide county and Tribal workshops and tours are conducted and allow these groups to participate in the decision-making process.

### SUB-RECIPIENT REVIEW PROCEDURES

Annually, the Title VI/Environmental Justice Specialist will plan to conduct twenty-four (24) reviews of sub-recipients. The reviews are done in person and may include a specific request for information, a date certain for meeting and the in-person review of the material requested. ***In response to the coronavirus pandemic, there has been an inability to meet in person to conduct reviews. However, the review process is able to be done virtually and communication is made with the sub-recipients to arrange their review(s) that way. TEAMS, ZOOM and GoTo Meeting are all platforms that have been made available to accomplish the review. The Specialist is able to secure the data electronically and the virtual review is equivalent in scope and engagement to the in-person review.*** A schedule of the sub-recipient reviews will be maintained in a spreadsheet format by the Title VI/Environmental Justice Specialist as a method of record keeping. The reviews will be maintained by date, name of recipient and recipient representative.

An annual determination of which sub-recipient will be reviewed may be based upon the following considerations:

- Population size,
- Project size (dollar value),

- Project Impact with regard to affected community,
- Any complaint(s) received from the sub-recipient's citizens or others,
- Any questions or concerns received in the previous year from the sub-recipient or its citizens,
- Number of projects awarded in previous year,

Based upon the aforementioned considerations, a list of sub-recipients to be reviewed will be created on or about January 30<sup>th</sup> of each year, and included in any Title VI Plan update.

The annual review, once scheduled, may cover the following areas of inquiry:

- Program administration,
  - Staff Composition (race, color, national origin and position titles/responsibilities),
  - Number of federally funded projects awarded in previous year,
  - Dollar value of those projects,
  - Copies of Title VI Policy, Assurances, Plan,
  - Proof of Public Dissemination methods used for the Policy, Assurances, Plan,
  - Title VI Complaint Procedure,
  - How Complaint Procedure Publically Disseminated,
  - Number and Description of any Title VI Complaints received in the previous year,
  - Outcomes of any Title VI Complaints received in the previous year,
  - Title VI considerations in any Manuals, SOPs, Guidelines, Policies, Directives
  - Any Title VI training, (trainer and copy of presentations),
  - Records of attendance by name, date, position title,
  - Planning activity,
  - Public notice, (how provided, to whom, identify groups/individuals provided notice),
  - Explain how determination of individuals/groups to be notified is made,
  - Any accessibility considerations (location, language, time of day, services provided),
  - Records of attendance (maintained by race, color, national origin, geographic location, language spoken),
  - Records of any questions, concerns, complaints received during any open meeting,
- \*\* As other areas of inquiry may occur during the review, this list is not exhaustive\*\*

Once the review is completed, a Report of same is created by the Title VI/Environmental Justice Specialist. The Report will include all information secured at the review to include responses to any inquiries, and the attachment of any documents or other responsive materials collected during the review. The report will include all findings made during the review and if non-compliance is determined, action items for resolution of the non-compliance are listed along with a date certain for completion. A cover letter is included with any such report and a copy is submitted to the sub-recipient. Any necessary follow-up may be done in person, telephonically or through electronic communication at the discretion of the Title VI/Environmental Justice Specialist. If non-compliance is not at issue, a letter recording the date, time, location and participants of the review is sent and a copy is maintained by the Title VI/Environmental Justice Specialist. In addition, a spreadsheet is maintained identifying the sub-recipient reviewed, date, time and location of review with a brief description of any findings and outcomes, as appropriate.

## **TRAINING**

Annually, at least four (4) statewide Title VI training sessions for local governments and appropriate staff are conducted by the Title VI/Environmental Justice Specialist. In response to the coronavirus pandemic, there has been an inability to meet in person to conduct training. However, the training process is able to be done virtually and communication is made with the sub-recipients to arrange their training(s) that way. TEAMS, ZOOM and GoTo Meeting are all platforms that have been made available to accomplish the training. The Specialist is able to secure the data electronically and the virtual training is equivalent in scope and engagement to the in-person training. The considerations described in determining which sub-recipients may be subject to review, are the same considerations used to determine the priority of training schedules. (See page 29) During the course of the training, LAP presentations on Title VI are included. Given the number of said trainings, over one-hundred (100) individuals including GDOT staff will attend Title VI Training during the one-year period.

Additionally, the EEO Director and the Assistant Administrator 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); EEO policy, directives and the discrimination complaint process is included in the Director's presentation. The annual Title VI training provides guidance and assistance with Title VI annual update reporting and is extended to Metropolitan Planning Organizations (MPO) and Local Public Agencies (LPA) that represent cities and counties, as well as consultants that work with GDOT.

The Title VI / Environmental Justice Specialist also participates in Civil Rights Training Seminars administered by Federal Transit Authority (FTA) and Federal Highway Administration (FHWA) as budget allows. The Specialist facilitates discussions and provides training to the Title VI Interdisciplinary Team in the previously identified Core Program areas. The topics of training include, but are not limited to:

- Review of the approved Title VI Program Plan and Title VI Guidelines,
- Title VI Liaison Responsibilities for their program areas,
- Improving distribution methods for the Plan and the Guidelines,
- Title VI training schedules, and
- Limited English Proficiency resources.

In implementing Statewide training, the following considerations are discussed and assessed:

- Research and explore alternate formats for training and presentations (i.e. web-based or video training),
- Conducting training sessions designed for Title VI Interdisciplinary Team and Program Area Administrators relating to the Title VI Annual Update,
- Utilizing 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,

- Conducting Title VI Program Training statewide, in each of the districts and with area personnel, internally and sub-recipient personnel, externally to reinforce the current Plan and Guidelines.

## **COMPLAINT DISPOSITION PROCEDURES**

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination prohibited may by themselves or by a representative file with a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FHWA. GDOT will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by the GDOT should be filed in writing directly with the following FHWA agencies:

Federal Highway Administration – Georgia Division  
61 Forsyth Street, Suite 17T100  
Atlanta, GA 30303

Or

Federal Highway Administration  
Office of Civil Rights,  
HCR-20, Room E81-320  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Complaints alleging violations of Title VI filed against a sub-recipient to GDOT (e.g. city, county, college or university, contractor, consultant, etc.) may be filed in writing with GDOT at:

**Georgia Department of Transportation**  
Office of EEO  
600 West Peachtree Street N.W.  
Atlanta, GA 30308

Once received at GDOT, the complaint must then be forwarded to the Headquarters office of Civil Rights (HCR) at the address listed above for processing and potential investigation.

All complaints filed under Title VI against GDOT are investigated by HCR.

If HCR determines a Title VI complaint against a sub-recipient can be investigated by GDOT, HCR may delegate the task of investigating the complaint to the GDOT. The GDOT will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.

The disposition of all Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.



**NOTE:** Additional information regarding the Title VI complaint process will be made available to the public via GDOT's website at: [www.dot.ga.gov/](http://www.dot.ga.gov/)

Complaint and investigation files are confidential and any information relevant to such complaint or investigation if maintained by SHA OEO will be maintained with the strictest confidence. The contents of such files will only be disclosed to appropriate SHA, GDOT personnel and federal authorities in accordance with Federal and State laws. SHA will retain files in accordance with records retention schedules and all Federal guidelines, as applicable.

To File a complaint with Federal Transit Administration (FTA), please visit [www.transit.dot.gov](http://www.transit.dot.gov).

## **I. PROCESS TO IDENTIFY/ELIMINATE DISCRIMINATION**

GDOT reviews its programs for trends and patterns of discrimination from multiple sources:

- Outreach activities – internal and external input and feedback
- Compliance reviews
- Referrals from Title VI liaisons

Similarly, we address the discriminatory practices with a multi-faceted approach.

- With complaints, we use the investigative process to determine whether there has indeed been discriminatory action.
  - If we find no discrimination under Title VI, we try to help the complainant understand why we arrived at that finding.
  - If we find discrimination may have occurred, we analyze whether it was intentional or unintentional.
  - We evaluate options for redress of discriminatory practices.
  - We work with contractor to develop and implement an effective Corrective Action Plan.
- Training is a key tool we use to address discriminatory trends or patterns.
  - We provide training to the sub-recipient or contractor engaged in the apparent discriminatory behavior to ensure that the trend or pattern does not continue.
  - We provide Title VI training to as many different audiences as possible, internal and external, to reduce the occurrence or likelihood of discrimination. That training includes a component that details the history and reason for the law to help those antagonistic to the law and its purpose to find it more acceptable. We believe that reduces the occurrence of discrimination.
  - We provide examples, stripped of any identifying information, of behavior or practices we have observed that we believe to be potentially discriminatory with the contractor community. This has been effective in letting them know that we are cognizant of those potentially discriminatory trends and patterns and they are advised not to engage in them.
- We are continuously monitoring our programs and projects to identify any instances of discrimination, at the earliest point.

## **PUBLIC DISSEMINATION OF TITLE VI INFORMATION**

The Title VI/Environmental Justice Specialist works with agency staff to develop and disseminate Title VI program information to GDOT staff and sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Determinations regarding the nature of the information to be disseminated and the members of the public with whom that information will be shared is generally done by considerations of project location and impact.

Internally, the Title VI Plan is provided to GDOT staff electronically. The Plan is also made available on GDOT's website and is identified under the heading "Business & Government/Civil Rights."

All Title VI Training (as provided to local public agencies, metropolitan planning organizations, consultants, and internal staff.) references the availability of the Plan on the GDOT website. Additionally, the availability of the Plan on the GDOT website is announced in the PIOH meetings, and publications.

Publicly disseminated information includes, postings of official statements, inclusion of Title VI language in contracts or other agreements, displays at Public Information Open House (PIOH) proceedings and informational brochures. GDOT ensures public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. The community is identified through review of statistical data gathered by the project team with regard to the residential and business communities in and around the project area. GDOT further ensures the full utilization of available minority publications or media; and, where appropriate, provides written or verbal information in languages other than English. The Title VI /Environmental Justice Specialist works with the GDOT Office of Communications to ensure that current information is available and accessible on the GDOT website. These activities are undertaken to ensure that the public is educated about their rights, pursuant to Title VI, relative to the transportation decision making process.

During the course of PIOHs and other meeting opportunities, surveys and comment cards are provided for feedback. The surveys and comment cards are brought back and reviewed by the Title VI/Environmental Justice Specialist in consultation with the Assistant Administrator and in some instances, the EEO Director. This review may be followed up with the impacted Offices regarding appropriate responses or with the citizen(s) to offer guidance with regards to policies and processes relevant to the comment or concern communicated to the Agency.

PIOH Format has been updated to provide virtual engagement. However, the substance of the PIOH meetings remains the same.

## **LIMITED ENGLISH PROFICIENCY (LEP)**

Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. The individuals may be entitled to language assistance with respect to a particular type of program, service or activity. The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person. The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing a LEP policy or plan. These elements include:

- Identifying LEP persons who need language assistance,
- Identifying ways in which language assistance will be provided,
- Training staff,
- Providing notice to LEP persons,

To assess language needs in deciding what reasonable steps should be taken, to ensure meaningful access for LEP persons, the USDOT guidance outlines four factors that should apply to the various kinds of contacts the recipients have with the public:

1. The number or proportion of LEP persons in a particular area,
2. The frequency with which LEP individuals come in contact with the program,
3. The nature and importance of the program, activity, or services,
4. What resources are available to GDOT and the overall cost.

Relative to any GDOT project having a significant public impact in terms of scheduling, location, project size or dollar value, the four (4) factor analysis is done for necessary assessment purposes. The greater the number or proportion of eligible LEP persons, the greater the frequency of contact with a program, activity, or service, and the greater the importance of that program, activity, or service, the more likely an enhanced language services will be needed. Smaller recipients with limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

In applying the Four-Factor Analyses, it has been determined by the US Census Bureau Statistical Data that in the GDOT service area, approximately 3.9% of the total population in Georgia are most likely to be LEP persons. Additionally, it was determined that Spanish is spoken by 702,834 people or 7.8% of the population. Data also shows that 12.7% of Georgia's population speaks a language other than English. Once the population is identified, I-Speak Cards, Interpreters or other translation services and in some instances, Spanish or other language speaking publications are provided.

The assessments described above, allow the Agency to determine which individual personnel or units of the Agency would best interact with the public in terms of information sharing and addressing any questions or concerns. The GDOT assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority

and low-income populations. Therefore, in accordance with Executive Order 13166 – Improving Access to Services for Persons with Limited Proficiency, the GDOT will take reasonable steps to provide meaningful access to services for person with LEP.

## **II. ACCOMPLISHMENT REPORT**

By October 1st of each year, GDOT’s EEO Office will provide the FHWA Georgia Division Office with a report of Title VI accomplishments for the past year and goals for the next year. This report will include:

### Accomplishments

1. Internal Reviews: A summary of internal reviews conducted the results, and any actions taken as a result.
2. External Reviews: A summary of the external (sub-recipient) reviews conducted the results, and any actions taken as a result.
3. Training: A list of all Title VI training given by the GDOT, the topics covered, and the number of attendees.
4. Complaints: A summary of all complaints received by GDOT, and the outcomes for those complaints.
5. Interdisciplinary Meetings: A summary of all meetings and issues raised by GDOT’s Title VI Liaisons.

### Goals

1. A description of the reviews planned for the next year (both internal and external).
2. A description of any training sessions planned (both internal and external). And

Any other Title VI related activities GDOT intends to undertake for the year.

GDOT was able to accomplish Internal Reviews, External Reviews, and Virtual Trainings. GDOT also received one (1) written complaint that was resolved and finalized.

## **III. PROCESS TO RESOLVE DEFICIENCIES IDENTIFIED BY FHWA**

In those cases where any deficiency is identified and communicated by the Operating Administration, we will work with FHWA, to clearly identify the causes of the deficiency and establish a timeframe for correcting the deficiency.

## **INTERNAL MONITORING PROGRAM**

**Data Collection/Data Analysis/Internal Reporting-** The Title VI/Environmental Justice Specialist has created and maintains a database that lists the date and nature of all Title VI documentation provided externally, by all local entities and internally by each Core Program area and other units as necessary. Annually in September, the Title VI/Environmental Justice Specialist sends notification to each of the core program areas to submit their Title VI Audit information. Each liaison is provided a specific deadline of two (2) weeks from the date of receipt of notification to submit their program information. Once received, the audit material is reviewed by the Specialist. If there are questions needed for clarification, an in-person meeting can be scheduled with the liaison to receive any necessary detail. The collected material is included in the annual Plan Update. In the annual reviews conducted for sub-recipients, the above described process is repeated.

A quarterly search of the database is done to ensure that all necessary documentation has been collected and is up to date. Upon discovery of non-compliance, contact is made with the appropriate local entity or internal unit, to secure an amended or otherwise updated document. All data collection is compliant with regulations in the Title VI Program Guidelines. Data Collection guidelines are also carried out by way of the GDOT Environmental Compliance Manual, as appropriate. Collection includes present or proposed membership, by race, color, and national origin, in any planning or advisory body which is an integral part of the program and where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on those persons on the basis of race, color, or national origin shall be recorded.

## **REVIEW OF STA DIRECTIVES**

Development and issuance of Title VI policy, procedures, directives, and policy interpretations, are major functions of GDOT. GDOT incorporates Title VI policy and mission statements into its procedures and manuals through review by the Equal Employment Opportunity Office (EEO) at the time such policies are drafted. In each of the Core Program areas, the Title VI liaisons have been trained to identify issues, questions or concerns relative to Title VI and understand the need to consult with EEO, through the Title VI/Environmental Justice Specialist, in reviewing any new policy documents. Elsewhere in the Agency, the divisions are aware of the Title VI responsibility housed in EEO through the posting of the Title VI Policy Statement in conspicuous locations throughout the Agency and in information attached to the GDOT website at the EEO page.

Additionally, by conducting Title VI compliance reviews, GDOT ensures that Title VI requirements are included in program directives and that procedures used have built-in safeguards to prevent discrimination. Outside the Agency, prior to awarding funds for any local government project, the Title VI / Environmental Justice Specialist is contacted to secure information regarding assurances, plans or other relevant Title VI considerations have been met. If it is determined that directives do not meet the requirements of Title VI and other related statutes, the Title VI / Environmental Justice Specialist advises the appropriate Program Manager and provides recommendations for ensuring compliance.

Directives and procedures that may be reviewed include, but are not limited to:

- ✓ Procedures for dissemination of information on opportunities of inclusion to participate in bidding of contract for minorities,
- ✓ Consultant selection procedures and personnel who monitor consultants for Title VI compliance,
- ✓ Procedures for prequalification of minority contractors and contractor selection,
- ✓ Procedures for selection of University research contracts,
- ✓ Procedures for identifying and selecting fee appraisers/fee attorneys to ensure nondiscrimination,
- ✓ Policy Statements from the Commissioner's office regarding hiring, promotion and retention considerations.

If it is determined that the directives do not meet the requirements of the Title VI and/or other related statutes, the Title VI/Environmental Justice Specialist is notified of the deficiency and is able to provide recommendations that will ensure compliance. Directives are also reviewed at the time of the annual program reviews.

### **COMPLIANCE & ENFORCEMENT PROCEDURES**

The Title VI/Environmental Justice Specialist conducts reviews, internally and externally, to ensure compliance with Title VI, to identify any trends or patterns of discrimination, to eliminate any such trends or patterns when discovered and to provide technical assistance in the implementation of GDOT's Title VI/Nondiscrimination Program. If, during the course of a review, any deficiencies are found to exist, the Specialist has the skills and resources to offer resolution and corrective measures.

Specifically, when conducting Title VI compliance reviews, any deficiencies found will be communicated in writing, the remedial action agreed upon within a period not to exceed 30 days and the subject of the review is made aware of the findings. The Title VI/Environmental Justice Specialist may also provide technical assistance, guidance and assistance in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement. When a sub-recipient fails or refuses to comply with the requirements within the time frame allotted, remedies will be initiated.

When a department program or a sub-recipient is found in non-compliance, the Department has four remedies:

1. When voluntary acknowledgement of non-compliance is determined, an agreement to acquire assistance is initiated,
2. When voluntary compliance efforts are unsuccessful, a refusal to grant or continue the assistance is initiated,
3. A request for reconsideration is available. It must include the specific finding or recommendation to reconsider, supporting documentation or evidence, and a written assurance that on the basis of the reconsideration, the respondent will comply with Title VI,

4. When voluntary compliance efforts are unsuccessful, the violation is referred to FHWA.

In furtherance of additional compliance and enforcement efforts, the Title VI/Environmental Justice Specialist works with the Core Program areas, sub-recipients and in training activity to emphasize compliance and enforcement. Performance measures to gauge the effectiveness of the compliance/enforcement activity and technical assistance to ensure appropriate tools are available include the following:

***Performance Measures and Monitoring:***

- Work with emphasis programs, divisions, and districts to develop, implement and improve self-monitoring activities,
- Reviews with 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:***

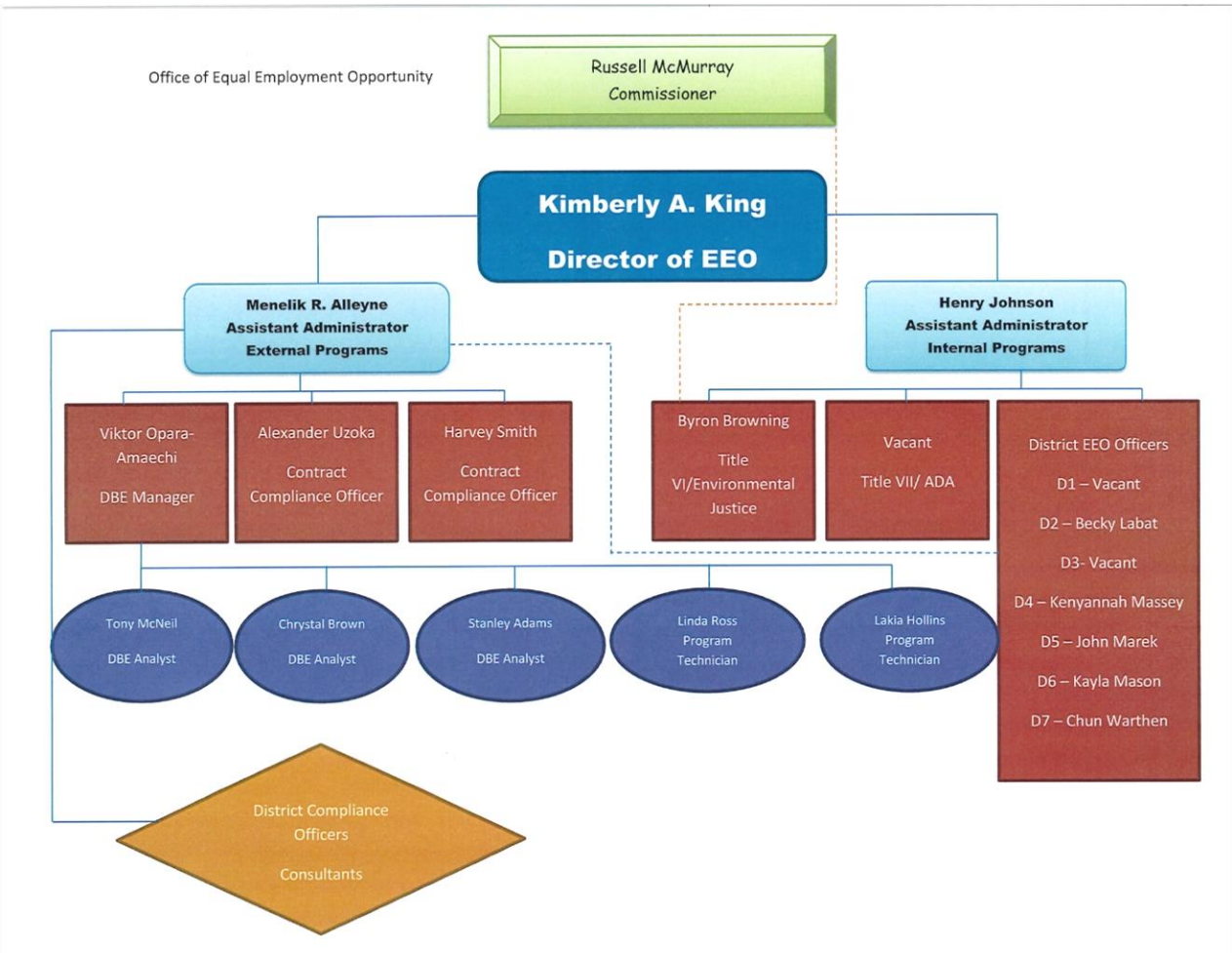
- Provide ongoing technical assistance to internal and external customers,
- Maintain Resource Manual,
- Update the Title VI web site to include an updated Title VI & LEP plan,
- Assist internal and external customers in the development and implementation of data collection and self-monitoring mechanisms,
- Research and evaluate best practices for data collection and use as a resource for Title VI emphasis programs.

**LIST OF ATTACHMENTS**

- **ATTACHMENT 1:** Organizational Chart
- **ATTACHMENT 2:** Standard USDOT Title VI Assurances
- **ATTACHMENT 3:** Title VI Complaint Form



# ATTACHMENT 1: Organizational Chart



## ATTACHMENT 2: Standard USDOT Title VI Assurances

### The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

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

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

#### General Assurances

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

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

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

#### Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Georgia Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all

bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

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

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

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

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Georgia Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Georgia Department of Transportation 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 Georgia Department of Transportation. You must keep records, reports, and submit the material for review upon request to the Georgia 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.

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

Russell R McMurry  
(Name of Recipient)

by Russell R McMurry  
(Signature of Authorized Official)

DATED 7/12/2022

## 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, (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, 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.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or 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 Non-discrimination 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.

**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 GDOT will accept title to the lands and maintain the project constructed thereon in accordance with and in compliance with **Title 23 U.S. Code § 107**, the Regulations for the Administration of Federal Aid for Highways; 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 GDOT 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 GDOT 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 GDOT, its successors and assigns.

The GDOT, 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 GDOT will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the GDOT 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, GDOT 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 GDOT 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 GDOT and its assigns.\*

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



## APPENDIX D

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

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

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

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

## APPENDIX E

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

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

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

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**ATTACHMENT 3: Title VI Complaint Form**



**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: Mr. Byron Browning, Title VI Coordinator, Georgia Department of Transportation, 600 West Peachtree Street, N.W., 7<sup>th</sup> Floor, Atlanta, 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. Sex, Age, Disability \_\_\_\_\_

7. What date did the alleged discrimination take place? \_\_\_\_\_

9. 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.

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10. 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

11. 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 \_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date