



(DOT) Title VI Policy - Engineering

Effective Date: 12/6/2011

Owner	Board of Commissioners (BOC)
Reviewer(s)	Transportation Division Manager, DOT Director, County Attorney, County Manager
Approver(s)	DOT Director and BOC
Related Policies	N/A
Related Standards	N/A
Storage Location	Clerk's Office via Agenda Item
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Employee Acknowledgement	N/A

1. PURPOSE

The Cobb County Department of Transportation is a recipient of federal funding. As a condition to receiving federal aid, the FHW A requires local governments to approve and implement a Title VI Plan.

Title VI of the 1964 Civil Rights Act and related statutes and regulations provide that no person in the United States shall, on the grounds of race, color, sex, national origin, disability, or age, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal aid.

To assure compliance, Cobb County Board of Commissioners to approve a Title VI Plan pursuant to its budgetary authority and responsibility.

2. SCOPE

This policy applies to all County agencies, elected offices, departments, full-time, part-time and non-employees (temporary employees, volunteers, service providers, vendors, contractors, and any other entities) engaged in federally-funded programs or activities for the Cobb County DOT. If you have questions regarding this policy, contact the DOT Director.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Georgia Open Records Act	O.C.G.A. 50-18-70, et Seq.
Federal Guidance and Authorities	Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq) Civil Rights Restoration Act of 1987 49 CFR Part 21 23 CFR Part 200 USDOT Order 1050.2A Section 162 (a) of the Federal-Aid Highway Act of 1973 Executive Order #12898 (Environmental Justice) Executive Order #13166 (Limited-English-Proficiency)



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Georgia Archives as adopted by County Code	https://www.georgiaarchives.org/records/retention_schedules
And all other applicable laws and regulations	

4. DEFINITIONS

N/A

5. POLICY

Section 1. Policy Statement and Authorities

A. Policy Statement

Cobb County, Georgia, Department of Transportation (Cobb DOT), *hereinafter referred to as the "Recipient"* assures that no person shall on the grounds of race, color, national origin, age, disability or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Cobb DOT further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In addition, Cobb DOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency (LEP). This includes, but is not limited to, providing resources, including bilingual staff, interpreters, and translated materials to ensure that information and services will be made available in the languages readily understood by all LEP persons.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include **all** programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event Cobb DOT distributes federal aid funds to a sub-recipient, Cobb DOT will include Title VI language in all written agreements and will monitor for compliance.

The Cobb DOT Contract Compliance Manager is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

B. Authorities

Title VI of the 1964 Civil Rights Act provides 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 receiving federal financial assistance. The Federal-Aid Highway Act of 1973 added sex to the list of prohibitive factors. The Rehabilitation Act of 1973 added disability. The Age Discrimination Act of 1975 added age. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

Section 2. Organization and Plan Administration

A. Organization



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Pursuant to 23 CFR 200, Cobb DOT has appointed the Contract Compliance Manager as the Title VI Coordinator who is responsible for Appendix A, which describes the hierarchy for Cobb DOT Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

B. Plan Administration

The Cobb DOT Deputy Director shall act as the Title VI Administrator to implement the Cobb County, Georgia, Title VI Plan and ensure compliance with provisions of Cobb DOT's policy and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Grants compliance and Title VI coordination shall be performed under the authority of the Administrator. The Administrator shall designate Specialists to assist the Coordinator.

The Cobb DOT Contract Compliance Manager shall act as the Title VI Coordinator to assist with the administration of the Plan. The Coordinator shall report directly to the Administrator.

Specialists designated by the Administrator for each Division administering Federal Highway Administration (FHWA) federal-aid will assist the Coordinator with Title VI compliance of contractors, subcontractors, consultants, suppliers and other sub-recipients. The Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. The Specialists will assist with statistical data gathering for their respective divisions on race, color, sex, national origin, disability, and age of participants.

Section 3. Coordinator and Division Specialist Responsibilities

A. Coordinator Responsibilities:

1. Title VI Plan Compliance – Ensure compliance with the assurances, policy, and Plan objectives. Perform reviews to assess administrative procedures, staffing, resources, and provide recommendations to the Administrator.
2. Title VI Plan Update - Review and update the Cobb DOT Title VI Plan as needed or required for approval by the Administrator. Submit any amended Plan to the Georgia Department of Transportation (GDOT).
3. Data Collection - Review the statistical data gathering process performed by the Specialists periodically to ensure sufficiency of data for meeting the requirements of the Plan.
4. Public Dissemination - Ensure the Specialists develop and disseminate Title VI program information to Cobb DOT employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of Cobb DOT's Title VI Policy statement in the Marietta Daily Journal newspaper and informational brochures. Ensure 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. Ensure the full utilization of available minority publications or media, and, where appropriate, provide written or verbal information in languages other than English.
5. Environmental Impact Statements - Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving FHWA or other federal assistance.
6. Elimination of Discrimination - Establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Cobb DOT processes.



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7. Complaints – Review written Title VI complaints that may be received by Cobb DOT following the procedural guidelines in Section 5 Complaint Procedures. Ensure every effort is made to resolve complaints informally at the local or regional level.
8. Training Programs - Conduct or facilitate training programs on Title VI issues and regulations for Cobb DOT employees, and facilitate Title VI training for appropriate staff, contractors and sub-recipients.
9. Legislative and Procedural Information - Maintain and update the Plan as necessary to comply with federal laws, rules and regulations, GDOT guidelines and other resource information pertaining to implementation and administration of Title VI. Make information available to other county departments or to the public as requested or required.
10. Annual Accomplishment and Goal Report - Prepare a Title VI Annual Accomplishment and Goal Report (Annual Report).

B. Planning Division Specialist Responsibilities

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
2. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project.
3. Conduct evening meetings in a variety of community buildings throughout Cobb County to ensure access to public meetings, including those along transit routes; ensure translation services are available if anticipated; and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

C. Research Division Specialist Responsibilities

1. Provide research projects for Cobb DOT based on need and availability of funding.
2. Include research projects for engineering, environmental and socioeconomic analysis.
3. Generate a clear and concise problem statement.
4. Select a capable institution to perform research sufficient for Cobb DOT to make an informed decision about the transportation problem. Ensure there is diversification in the selection of the institution.
5. Ensure that all research contracts include the requirements of Exhibit 2 - Title VI Assurances.

D. Right-of-Way Division Specialist Responsibilities

1. Manage and coordinate the appraisal and acquisition of real property and relocation assistance services for Cobb DOT projects. Include appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.
2. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements and adhere to Cobb DOT vendor procurement policies in the acquisition of contracted services.
3. Use current GDOT directories for a list of certified fee appraisers when seeking services, maintain data on awards to minority and female appraisers and provide data to the Coordinator.
4. Follow the guidelines and applicable laws and regulations, including Title VI and Section 504 for property acquisition.
5. Adhere to appraising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by GDOT.



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6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
9. Maintain statistical data including race, color, sex, national origin, disability, and age on all relocates affected by federally funded projects.

E. Pre-Construction/Environmental Division Specialist Responsibilities

1. Recommend consultant firms for final selection, negotiation and award; administer awarded consultant contracts.
2. Request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to Cobb DOT projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies for Cobb DOT projects. Ensure consultant selection is from Cobb DOT's approved list, is consistent with Cobb DOT vendor policies and adheres to GDOT regulations.
3. Comply with Cobb DOT's Disadvantaged Business Enterprise (DBE) goals when selecting consultants and contractors; include Title VI Assurances and provision language in all federally funded consultant contracts and periodically review to ensure compliance with current laws and regulations. Maintain and update demographic data on the utilization of women and minority-owned consulting firms. Provide a copy of the award letter to the Coordinator for use in preparing the Annual Report.
4. Fulfill Cobb DOT's responsibility for transportation, Capital Improvement Program (CIP) and environmental permitting for projects. Perform studies to assess various environmental factors as they relate to the implementation of Cobb DOT's projects, including evaluating demographic data.
5. Adhere to the National Environmental Policy Act (NEPA) depending on the scope, complexity, and impacts of the project.
6. Complete NEPA Categorical Exclusion and NEPA Environmental Assessment as required. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements (EIS) or Assessments (EIA) and provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator including updated summary lists as applicable. Ensure there are no violations of the federal Civil Rights Act, as amended, as a result of Cobb DOT's federal-aid projects.
7. Ensure dissemination of information and foster participation from affected populations. Place public notices in applicable general and minority media if available and appropriate; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write Cobb DOT to view plans and discuss environmental problems.
8. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project. Prepare a map of the federal-aid transportation projects and include demographic data of the neighborhoods affected by the projects.
9. Assist in integrating environmental considerations and regulatory requirements into Cobb DOT projects.
10. Provide technical expertise for project analyses and utilize environmental policies, procedures, manuals and training.
11. Study and evaluate all necessary environmental aspects of a proposed project, including social and economic aspects.



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F. Construction Division Specialist Responsibilities

1. Administer transportation construction projects in compliance with this Title VI Plan.
2. Coordinate the gathering of information using the "Voluntary" Title VI Statistical Data Form found in Appendix B.
3. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in Cobb DOT's Title VI Policy Statement and Assurances.
4. Award construction contracts based on lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage use of DBE subcontracts and vendors.
5. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
6. Monitor all construction to ensure nondiscrimination throughout all operations.
7. Coordinate the gathering of construction information regarding DBE participation for the Annual Report.

Section 4. Sub-Recipient Review and Remedial Action Procedures

A. Title VI Review of Sub-recipients of Federal-Aid Highway Funds

The Coordinator and the Specialists will assist GDOT in periodically conducting Title VI compliance reviews. The Coordinator and the Specialists will review select sub-recipients of federal-aid highway or other federal funds to ensure adherence to Title VI requirements. Cobb DOT will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Reviews

The Coordinator and the Specialists will conduct periodic post-grant reviews of select sub-recipients of federal highway funds or other federal funds, for roads, sidewalks, bridges, construction, etc. to ensure adherence to Title VI requirements. The Coordinator and the Specialists will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of federal-aid highway programs at either Cobb DOT or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Cobb DOT will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Cobb DOT will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, Cobb DOT will document and provide to GDOT any recommended remedial action agreed upon by Cobb DOT and the sub-recipient within a period not to exceed forty-five (45) calendar days.

Sub-recipients placed in a deficiency status will be given a reasonable time, but not to exceed ninety (90) days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Cobb DOT will submit to GDOT copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Cobb DOT and GDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR Part 21 including but not limited to:



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1. Withholding of payments to the contractor under the contract until the contractor complies, and/or
2. Cancellation, termination, or suspension of the contract, in whole or in part.

Section 5. Complaint Procedures

A. Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and all related regulations and directives, relating to any program or activity administered by Cobb DOT, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

B. Right to File Formal Complaints

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

C. Complaint Resolution

Initial interviews with the complainant and the respondent will include requests for information regarding specifically requested relief and settlement opportunities. The option of informal mediation meeting(s) between the affected parties and the Coordinator may be utilized for resolution, at any stage of the process. The Coordinator will make every reasonable effort to pursue a resolution to the complaint.

D. Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Acts of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 or the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Cobb DOT. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to Cobb DOT Title VI Specialist for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, Cobb DOT or the Title VI Specialist may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Cobb DOT, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in documenting the complaint in writing and will submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Cobb DOT's investigative procedures.



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4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as GDOT and USDOT.
5. Cobb DOT will advise GDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act (s).
 - e) Date of complaint received by Cobb DOT.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions Cobb DOT has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the Title VI Specialist will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Coordinator of Cobb DOT. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the Coordinator of Cobb DOT will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with GDOT, or USDOT, if they are dissatisfied with the final decision rendered by Cobb DOT. The Title VI Specialist will also provide GDOT with a copy of this decision and summary of findings upon completion of investigation.
8. Contact for GDOT's Title VI staff is as follows:

Georgia Department of Transportation
Office of Equal Opportunity, Title VI Program
600 West Peachtree Street, N.W. 7th Floor
Atlanta, Ga 30308
(404) 631-1497

Section 6. Education and Training

The Coordinator will establish a policy for the selection of employees interested in taking part in the National Highway Institute Training workshops or other appropriate workshops. The name of each participant, their title, division, sex and ethnicity will be included in the Annual Report.

The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. GDOT's EEO may be asked to provide applicable training.

The Coordinator will ensure Cobb DOT policy is followed in the selection of instructors for Cobb County DOT training courses and workshops, and ensure equal opportunity in the selection process for all training contracts. Cobb DOT will provide accessibility to minority/women/Disadvantage Business Enterprise consulting and training firms to compete for training contracts.

Exhibit 1. Title VI Notice to the Public



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The Cobb County Department of Transportation (Cobb DOT) hereby gives public notice that it is its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, disability, age, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any federal aid highway program or other activity for which Cobb DOT receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Cobb DOT. Any such complaint must be in writing and filed with Cobb DOT Title VI Coordinator within one hundred eighty (180) calendar days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Title VI Coordinator's office at no cost to the complainant by calling (770) 528-1600.

Exhibit 2. Title VI Assurances

49 CFR Part 21.7

Cobb County, Georgia, Department of Transportation (hereinafter referred to as Cobb DOT), hereby gives assurances:

1. That no person shall on the grounds of race, color, sex, disability, age, and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Cobb DOT regardless of whether those programs and activities are Federally funded or not.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility as defined at 49 CFR 21.23 (b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to Cobb DOT by the Georgia Department of Transportation (GDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of Cobb County.
5. That Cobb DOT shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form, all proposals for negotiated agreements.

The Cobb DOT, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined in 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be



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discriminated against on the ground of race, color, national origin, or sex in consideration for an award.

6. That Cobb DOT shall insert the clauses of Appendix D of this Agreement in every contract subject to the Act and the Regulations.
7. That Cobb DOT shall insert the clauses of Appendix F of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That Cobb DOT shall include the appropriate clauses set forth in Appendix E of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Cobb DOT with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Program.
9. The Cobb DOT agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Exhibit 3. Implementation Procedures

This agreement shall serve as Cobb DOT's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest 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 Cobb County, or in recognition of the public interest to be served by such sale or lease to Cobb County, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

Cobb DOT shall:

1. Issue a policy statement, signed by the Chairman of Cobb County Board of Commissioners, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout Cobb County's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by GDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The Chairman of Cobb County Board of Commissioners shall be held responsible for implementing Title VI requirements.
3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the Chairman of Cobb County Board of Commissioners. This unit



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shall contain a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complaint by race, color, national origin, age, disability, sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of Cobb DOT's report of investigation, will be forwarded to GDOT's Office of Equal Employment Opportunity (OEEO) within 10 days of the date the complaint was received by Cobb DOT.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by Cobb DOT.
7. Conduct Title VI reviews of Cobb DOT and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
 1. **Annual Work Plan**
Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
 2. **Accomplishment Report**
List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with Cobb DOT.

Sanctions

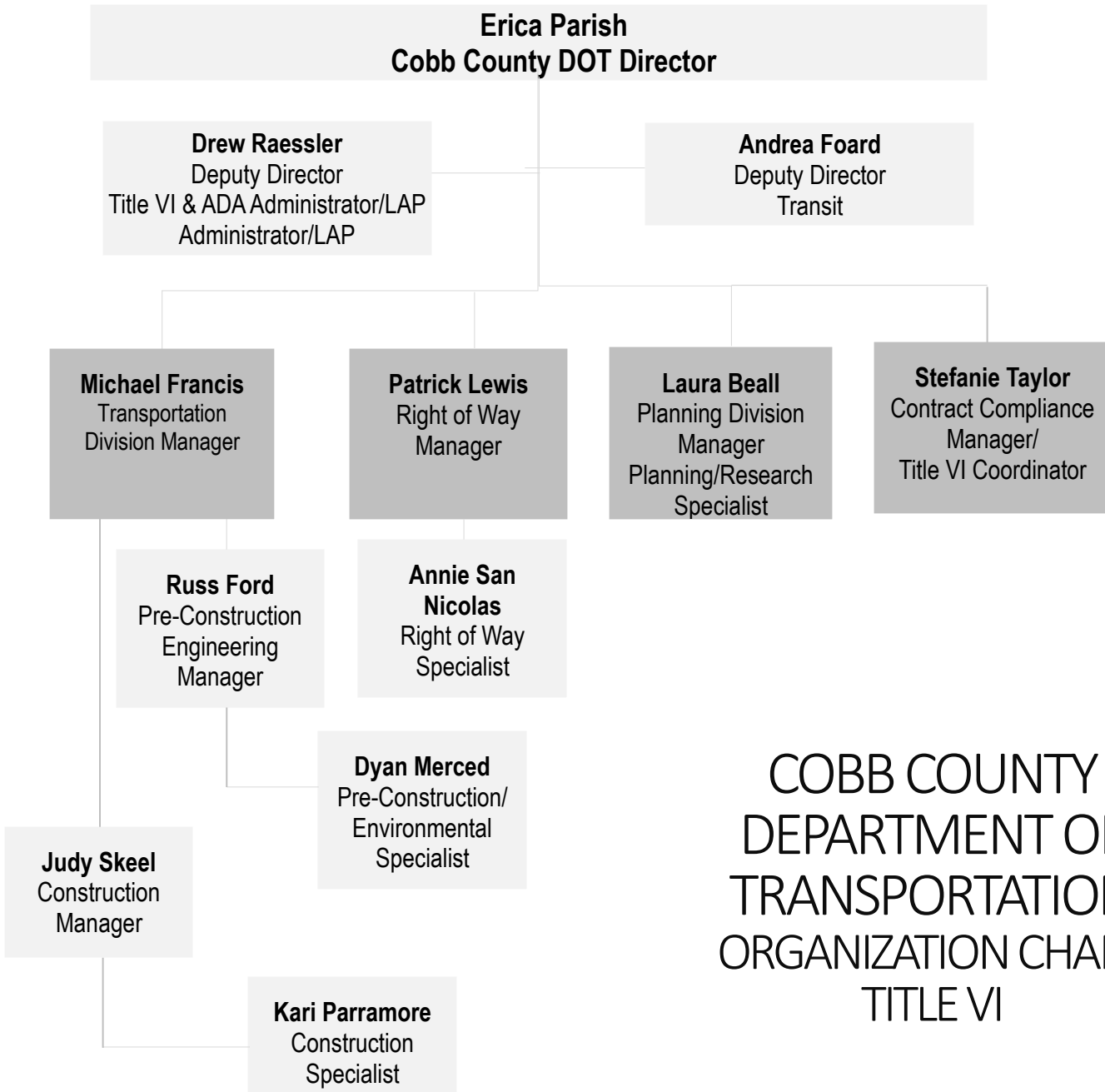
In the event Cobb DOT fails or refuses to comply with the terms of this agreement, the GDOT may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to Cobb DOT under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from Cobb DOT.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by Cobb DOT.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.



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Appendix A



COBB COUNTY DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART TITLE VI



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Appendix B. TITLE VI “VOLUNTARY” STATISTICAL DATA FORM

Contact DOT Director for up to date form.

Appendix C TITLE VI COMPLAINT FORM

Contact DOT Director for up to date form.

Appendix D

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

1. **Compliance with Regulations** The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
 2. **Non-discrimination** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 3. **Solicitations for Sub-contracts, Including Procurement of Materials and Equipment**
In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.
1. **Information and Reports**
The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Cobb County Department of Transportation (Cobb DOT), Georgia Department of Transportation (GDOT), or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to GDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.
 2. **Sanctions for Non-compliance**
In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, Cobb County shall impose such contract sanctions as it or the USDOT may determine to appropriate, including, but not limited to:
 - Withholding of payments to the contractor under the contract until the contractor complies, and/or;
 - Cancellation, termination, or suspension of the contract, in whole or in part



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3. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as Cobb County or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in that event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request Cobb DOT to enter into such litigation to protect the interests of Cobb DOT and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix E

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

GRANTING CLAUSE

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

HABENDUM CLAUSE

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

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



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

Appendix F

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Cobb DOT pursuant to the provisions of Assurance 8.

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

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Cobb DOT pursuant to the provisions of Assurance 8.

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

That in the event of breach of any of the above non-discrimination covenants, Cobb County, Georgia, Department of Transportation (Cobb DOT) shall have the right to terminate the lease, and to reenter and repossess said lane and the facilities thereon, and hold the same as if said lease had never been made or issued.

6. EXCEPTIONS

Exceptions to this policy are not permissible.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	12/6/2011		
	3/10/2015		Required annual update.
	5/9/2017		Required annual update.



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	11/13/2018		Required annual update.
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v.1.0-2020	12/2020		Reformat