



TITLE VI PROGRAM
JULY, 2015

Columbus-Phenix City Transportation Study
Metropolitan Planning Organization

Columbus-Phenix City Transportation Study (C-PCTS)
Metropolitan Planning Organization
Title VI Plan
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Section 1
Policy Statement and Authorities

A. Policy Statement

The Columbus-Phenix City Transportation Study Metropolitan Planning Organization (C-PCTS-MPO) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. C-PCTS assures that no person shall on the grounds of race, color, sex, national origin, disability, or age as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, 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, whether such programs and activities are federally assisted or not.

In addition, the C-PCTS 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.

In the event the C-PCTS distributes federal-aid funds to another entity, C-PCTS will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt of federal funds. The Staff of the Columbus-Phenix City MPO are authorized to ensure compliance with provisions of this policy and with this law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR Part 21.



Mayor Teresa Pike Tomlinson
MPO Policy Chairman

7/24/15
Date

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

Organizational and Plan Administration

A. Organization

An organizational chart for the Columbus-Phenix City MPO and the Columbus Consolidated Government is shown in APPENDIX A. The Director of Planning is responsible for the overall management of the Title VI program. The day-to-day administration of the program lies with the Title VI Coordinator.

B. Plan Administration

The Director of Planning shall act as the Title VI Administrator to implement the Columbus-Phenix City MPO Title VI Plan and ensure compliance with provisions of C-PCTS MPO'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 Principal Transportation Planner shall act as the Title VI Coordinator to administer the Plan. The Coordinator reports directly to the Administrator. The Coordinator's duties and responsibilities are as follows:

1. **Program Administration** – Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations, as required, to the Administrator.
2. **Title VI Plan Update** – Review and update the Title VI Plan as needed or required for approval by the Administrator. Submit an amended Plan to the Georgia Department of Transportation (GDOT) and Alabama Department of Transportation (ALDOT).
3. **Data Collection** – Ensure that statistical information is gathered and maintained on race, color, national origin and sex of participants in and beneficiaries of transportation programs (e.g., relocates, impacted citizens, and affected communities). Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.
4. **Public Dissemination** - Work with MPO / City staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, 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 the MPO's Title VI Policy Statement in newspapers(s) having a general circulation, and informational brochures.
5. **Environmental Impact Statements** – Ensure that available census data are included as part of all Environmental Impact Statements / Assessments (EIS/EA) when the City / MPO administer the design phase of any projects receiving Federal Highway Administration or other federal assistance.

6. **Elimination of Discrimination** – Establish procedures for promptly resolving deficiencies, as needed.
7. **Complaints** – Review written Title VI complaints that may be received by the MPO following the procedural guidelines in Section 5 (“Complaint Procedures”). Ensure every effort is made to resolve informally at the local or regional level.
8. **Training Programs** – MPO Staff will attend Title VI Certification Training through Georgia DOT, Alabama DOT, and FHWA.
9. **Legislative and Procedural Information** – Maintain and update the Plan and Annual Accomplishment and Goal Report as necessary to comply with federal laws, rules and regulations, guidelines and other resource information pertaining to implementation and administration of Title VI. Information will be made available to other city departments or the public as requested or required.
10. **Annual Accomplishment and Goal Report** – Prepare a Title VI Annual Accomplishment and Goal Report for the preceding fiscal year.

Section 3
Title VI Activities Related to Transportation

A. Planning

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by providing public service announcements for all local media.
2. Ensure that public meetings concerning transportation projects are conducted to provide access to populations affected by the transportation project. Ensure translation services are available upon request.

B. Research

1. Ensure that research contracts include the requirements of Title VI Assurances when required.
2. Gather and maintain necessary data and documentation required for completion of the MPO's Title VI Update Annual Report.

C. Pre-Construction / Environmental

1. Request qualifications from consulting firms specializing in various aspects of civil engineering which may relate to the City's transportation projects. Oversee the development of the Right-of-Way and Construction plans. Ensure consultant selection adheres to GDOT regulations.
2. Comply with any applicable Disadvantaged Business Enterprise (DBE) goals when selecting consultants and contractors; include Title VI assurances and provisions 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 Accomplishment and Goal Report.
3. Recommend consultant firms for final selection, negotiation and award; Administer awarded consultant contracts.
4. When required, work with GDOT to perform studies to assess various environmental factors as they relate to implementation of the transportation 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 the EIS/EA process, as required, and provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EA process to the Coordinator, including updated summary lists as applicable. Provide adequate time for the Coordinator to review and comment. Ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the City's federal aid projects.
7. Place public notices in applicable media; select accessible locations and times for public meetings or meetings, and arrange for translation services as needed;

particularly for projects impacting predominately minority communities. Ensure the public has information pertaining to their rights to call or write the City to view plans and discuss environmental problems.

8. Assist in incorporating environmental considerations and regulatory requirements into locally administered projects, as required.
9. Provide technical expertise for locally administered project analysis, as required, and utilize environmental policies, procedures, manuals and training.
10. Study and evaluate environmental impacts of proposed projects, including potential social and economic impacts, as required where the City administers such projects.

D. Right-of-Way

1. Manage and coordinate the appraisal and acquisition of real property and relocation assistance services for transportation projects as necessary. Include appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, non-profit organizations, and property management as required.
2. Ensure equal opportunity in all aspects of procuring real estate services, contracting and appraisal agreements, and adhere to the City vendor procurement policies in the acquisition of contracted services as required.
3. Utilize current GDOT directories for a list of certified fee appraisers when seeking services related to federally-funded GDOT projects, maintain data on awards to minority and female appraisers as required, and provide data to the Coordinator.
4. Follow the guidelines and applicable laws and regulations, including Title VI and Section 504 for property acquisition, as required.
5. Ensure affected property owners, tenants, and others involved in right-of-way acquisition related to GDOT projects are informed of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process, and provide such affected individuals with copies of relocation assistance literature produced by GDOT when required.
6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business when required. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances, when required.
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 when required.
9. Maintain statistical data including race, color, national origin, and sex on all relocated affected by federally funding projects.

E. Construction

1. Locally administer transportation construction contracts for compliance with the Plan. Locally administer and supervise transportation construction projects.
2. Review all federally funding 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 the MPO's Title VI Policy Statement and Assurances.

3. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements when required. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors when required.
4. Ensure that prime contractors with DBE requirements award contracted work to qualified DBE's which perform commercially useful functions.
5. Monitor all construction to ensure nondiscrimination throughout all operations.
6. Coordinate the gathering of construction information regarding DBE participation, as required, for the Annual Title VI Report, and provide this information to the Coordinator.

Section 4
Sub-Recipient Review and Remedial Action Procedures

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

The Coordinator will assist GDOT to periodically conduct Title VI compliance reviews. The coordinator will review select sub-recipients of federal-aid highway or other federal funds to ensure adherence to Title VI requirements. The Columbus-Phenix City MPO and City staff will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Review

The Coordinator 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 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 the Columbus-Phenix City MPO or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The MPO will seek cooperation of the consultant, contractor, or other sub-recipient in correcting deficiencies found during periodic reviews. The MPO will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the MPO will document and provide to GDOT any recommended remedial action agreed upon by the MPO 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, the MPO will submit to GDOT copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with Title VI requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the MPO and GDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR Part 21 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.

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 the MPO, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

B. Right of File Formal Complaints

These procedures do not deny the right of 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 obtain information regarding specifically for 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. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written formal complaint with the Coordinator using the Title VI Complaint Form found in Appendix C. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The MPO will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the MPO will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the MPO may request GDOT's Office of Equal Employment Opportunity (EEO) to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the MPO/City, the appropriate sub-recipient shall be notified of the complaint, within 15 calendar days.
4. Once the MPO decides its course of action, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will be logged into the records of the Coordinator, and the basis for the allegation identified including race, color, sex, national origin, disability, or age.

5. In cases where the MPO/City assumes investigation of the complaint, the MPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten calendar days upon receipt, to furnish the MPO with his or her response to the allegations.
6. Within 60 calendar days of receipt of the complaint, the Coordinator (or GDOT investigator) will prepare a written investigative report for the Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The investigative report shall be reviewed by the City Attorney's office (Columbus Consolidated Government). The Attorney may discuss the report and its recommendations with the Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 60 calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and the MPO's investigative report will be issued to GDOT's EEO within 60 calendar days of the completion of the briefings.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of their rights to appeal the MPO's decision to GDOT, United States Department of Transportation (USDOT) or U.S. Department of Justice. The complainant has 180 calendar days after the MPO's briefing to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration for the final determination by the MPO will not be available.
11. A Complaints Log shall be maintained by the MPO. The Complaints Log shall contain the following information for each complaint filed:
 - a. The name and address of the person filing the complaint.
 - b. The date of the complaint.
 - c. The basis of the complaint.
 - d. The disposition of the complaint.
 - e. The status of the complaint.

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 for consultants, contractors, and subcontractors periodically. The coordinator will work with HR staff to develop in-house Title VI training. The MPO will assess costs and determines the best method to organize and facilitate training. GDOT's EEO may be asked to provide applicable training.

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

Title VI Notice to the Public

The Columbus-Phenix City Transportation Study Metropolitan Planning Organization (C-PCTS MPO) hereby gives public notice that it is its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The MPO assures that no person shall on the grounds of race, color, sex, national origin, disability, or age as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, 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, whether such programs and activities are federally assisted or not.

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 the MPO. Any such complaint must be in writing and files with the MPO's Title VI Coordinator within 180 calendar days following the date of the alleged discriminatory occurrence. Title VI Complaint Forms may be obtained from the Title VI Coordinator's office at no cost to the complainant by calling (706) 653-4421.

GDOT Title VI Assurances

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

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

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsection 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

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

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights of space on, over, or under such property.
7. That the recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real

property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom she/he delegates specific authority, to give reasonable guarantee that is, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

July 24, 2015
Date

Columbus-Phenix City MPO

Recipient

By: _____

Chairman, Policy Coordinating Committee

Attest _____

Planning Director

Attachments: Appendices A, B, and C.

APPENDIX A

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

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

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontractors, Including Procurement of Materials and Equipment

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

4. Information and Reports

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

5. Sanctions for Noncompliance

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

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

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

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

APPENDIX B

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

Granting Clause

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

Habendum Clause

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

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

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

APPENDIX C

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

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

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

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

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

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

*[Include in deeds subject to a reverter clause]

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

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

Exhibit 3

Columbus Consolidated Government Organizational Chart

The Columbus-Phenix City Transportation Study (MPO) Organizational Chart

**COLUMBUS-PHENIX CITY TRANSPORTATION STUDY
METROPOLITAN PLANNING ORGANIZATION**

ORGANIZATIONAL CHART

**CITIZENS OF MUSCOGEE, CHATTAHOOCHEE, AND HARRIS COUNTIES
(GEORGIA) & CITIZENS OF LEE AND RUSSELL COUNTIES (ALABAMA)**

**MPO Boards
POLICY COORDINATING COMMITTEE (PCC)
TECHNICAL COORDINATING COMMITTEE (TCC)
CITIZENS ADVISORY COMMITTEE (CAC)**

**RICK JONES, AICP
DIRECTOR OF PLANNING / MPO**

**FELTON GRANT
RIGHT-OF-WAY ACQUISITION
COORDINATOR**

**TONNA WILLIAMSON
ADMINISTRATIVE ASSISTANT**

DAVID COOPER, GIS TECHNICIAN

**LYNDA TEMPLES
PRINCIPAL TRANSPORTATION
PLANNER**

**LOGAN KIPP
TRANSPORTATION PLANNER**

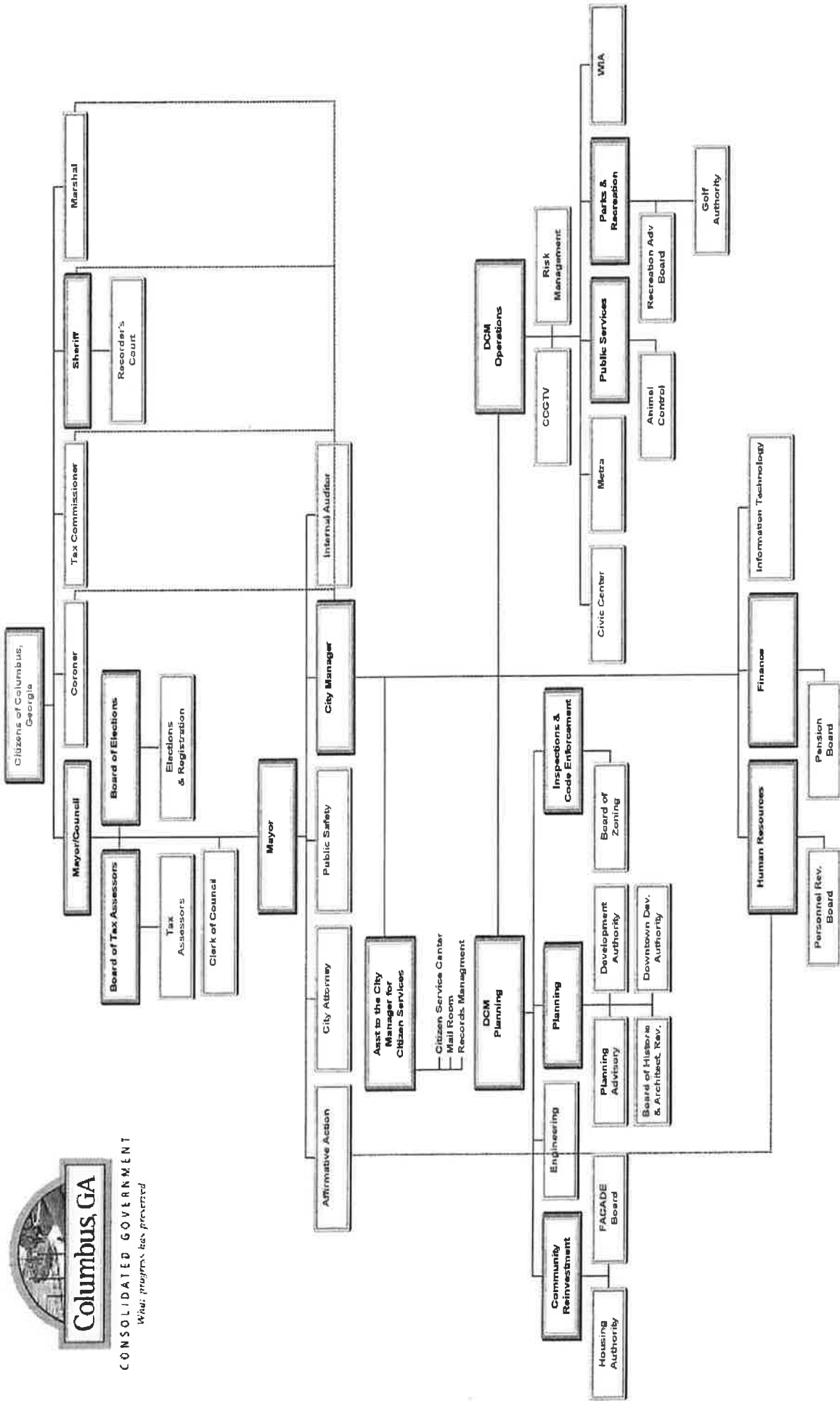


Exhibit 4

The Columbus-Phenix City Transportation Study (MPO) Title VI Complaint Form

**THE COLUMBUS-PHENIX CITY TRANSPORTATION STUDY (MPO)
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 Columbus-Phenix City MPO: Mrs. Lynda Temples, Principal Transportation Planner / Title VI Coordinator, Columbus Consolidated Government, P.O. Box 1340, Columbus, GA 31902

1. Complainant's Name _____
2. Address _____
3. City, State and Zip Code _____
4. Telephone Number (home) _____ (business) _____
5. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____
6. Which of the following best describes the reason you believe the discrimination took place?
Was it because of your:
a. Race/Color _____
b. National Origin _____
c. Other _____
7. What date did the alleged discrimination take place? _____
8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No
If yes, check all that apply:
____ Federal agency _____ Federal court _____ State agency _____ State court
____ Local agency

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

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

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

Complainant's Signature

Date