

# POLICY NO. 28

## BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF IRON

**SUBJECT:** Title VI of the Civil Rights Act of 1964

**DATE ADOPTED:** October 12, 2004

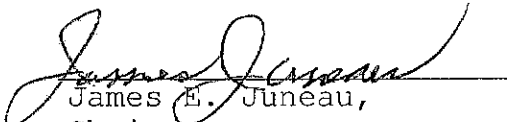
**POLICY STATEMENT:**

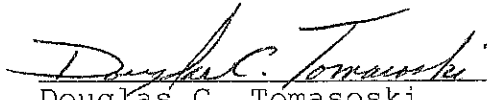
The Iron County Road Commission is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the residents of our county are afforded access to our programs and services.

The Board of Iron County Road Commissioners designates the Office Manager/Clerk as the Title VI officer with the responsibility of ensuring the Iron County Road Commission's compliance with Title VI regulations in association with the Michigan Department of Transportation Title VI Department. The head of each department is responsible for ensuring that, within their department, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Iron County Road Commission program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. The Iron County Road Commission assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

Inquiries concerning the Iron County Road Commission's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI may be directed to the Office Manager/Clerk, Iron County Road Commission, 800 W. Franklin Street, Iron River, Michigan 49935. Telephone: 906.265.6686.

This policy statement will be circulated throughout the Iron County Road Commission and included by reference in all contracts, agreements, programs and services administered by the Iron County Road Commission.

  
James E. Juneau,  
Chairman

  
Douglas C. Tomaszki,  
Superintendent/Manager

**TITLE VI NON-DISCRIMINATION PLAN**

**IRON COUNTY ROAD COMMISSION  
800 WEST FRANKLIN STREET  
IRON RIVER, MICHIGAN 49935**

## IRON COUNTY ROAD COMMISSION TITLE VI ASSURANCE

The **IRON COUNTY ROAD COMMISSION** (hereinafter referred to as the **ICRC**) 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, Non-discrimination 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 gender, 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 **ICRC** received 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 **ICRC** hereby gives the following specific assurances with respect to the Federal Aid highway program:

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

“The **ICRC**, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in 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 gender, disability, race, color, or national origin in consideration for an award.”

3. That the **ICRC** shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That where the **ICRC** receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and any facilities operated in connection therewith.
5. That where the **ICRC** receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
6. That this assurance obligates the **ICRC** 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 **ICRC** 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

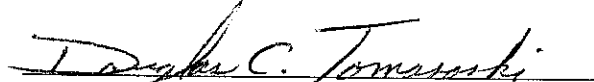
is extended, or for another purpose involving the provision of similar services or benefits: of (b) the period during which the ICRC retains ownership or possession of the property.

7. The ICRC shall 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-grantees, contractors, sub-contractors, 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.

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 ICRC under the Federal Aid highway program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, 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 ICRC.

Dated: 10-12-04

IRON COUNTY ROAD COMMISSION



Douglas C. Tomazoski, Superintendent/Manager

# **TITLE VI NON-DISCRIMINATION PLAN**

**IRON COUNTY ROAD COMMISSION  
800 WEST FRANKLIN STREET  
IRON RIVER, MICHIGAN 49935**

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## AUTHORITIES

### **Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO 12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO 12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and

**28 CFR 50.3:** Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

**EO 13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: (See Appendix B for additional discussion of “significant.”)

- Bodily impairment, infirmity, illness or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of persons, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of ICRC programs, policies, or activities

Significant Adverse Effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominately borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population

Limited English Proficiency – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the ICRC.

Federal Assistance – includes grants and loans of federal funds; the grant or conveyance of federal property and interests in property; the detail of federal personnel, Federal property of 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.

Low-Income – A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

(<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed ICRC program, policy, or activity.

Minority – A person who is:

- a. Black – a person having origins in any of the black racial groups of Africa;
- b. Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;



- c. Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – a person having origins in any of the original people of North American and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed ICRC program, policy or activity.

Non-compliance – a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic,” “Asian or Pacific Islander,” “American Indian or Alaskan Native.” Additional sub-categories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – includes any road or bridge project including planning, or any activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient – any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or 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 assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-recipient – An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOTs and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **ADMINISTRATION – GENERAL**

The ICRC Office Manager shall have responsibility for coordinating the administration of the Title VI and related statutes program, plan, and assurances in association with the Michigan Department of Transportation Title VI Department. Special emphasis program areas for the ICRCs are: road maintenance and construction.

- Complaints  
If any individual believes that he/she or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, she/he may exercise their right to file a complain with the ICRC. Complaints may be filed with the ICRC Office Manager. Every effort will be made to resolve complaints informally at the lowest level. All formal complaints will be forwarded to the Michigan Department of Transportation Title VI Department.
- Data Collection  
Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of ICRC programs, e.g., affected communities, will be gathered and maintained by the

**ICRC.** The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

### ICRC Reviews

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the **ICRC** to assure effectiveness in their compliance of Title VI provisions. The **ICRC** Office Manager will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

- Title VI Reviews on Sub-recipients

Title VI compliance reviews will be conducted annually by the Office Manager of the **ICRC**. Priority for conducting reviews will be given to those recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant US Department of Transportation (US DOT) modes upon request.

- Annual Reports

An annual report will be required to be compiled by August 1 of each year. The Office Manager of the **ICRC** will be responsible for coordination and compilation of these reports and available by September 1 to the Michigan Department of Transportation and Federal Highway Administration if they are requested. These reports will review Title VI accomplishments during the year and goals for the next year.

### Title VI Plan Updates

An annual update of the Title VI program will be submitted by October 1 to the Michigan Department of Transportation.

- Public Dissemination

The **ICRC** will disseminate Title VI Program information to **ICRC** employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors, and beneficiaries. Public dissemination will include inclusion of Title VI language in contracts and publishing the Title VI Policy Statement on the **ICRC** Internet website.

- Remedial Action

The **ICRC** will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## **LIMITED ENGLISH PROFICIENCY**

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. The **ICRC** personnel have been made aware of LEP requirements. The **ICRC** has examined the services it provides and has developed and implemented a system by which LEP persons can meaningfully access those services consistent with Title VI compliance without unduly burdening the organization. Following are some of the procedures implemented to meet LEP:

- Material printed and distributed in languages other than English when determined necessary.
- Individuals planning public meetings review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
- Reasonable steps to ensure meaningful access to ICRC programs and activities by LEP persons have been implemented.
- Programs and activities normally provided in English are accessible to LEP persons, and are therefore non-discriminatory on the basis of national origin in compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient’s programs or activities and the variety of languages spoken in the recipient’s service area.
- The frequency with which LEP individuals are affected by the program or activity.

The importance of the effect of the recipient’s program on LEP individuals.

- The resources available to the recipient and whether the recipient has budgeted for provision of special language services.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

## **FILING A COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the ICRC’s programs, activities, and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by ICRC for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Office Manager of the ICRC has overall responsibility for the discrimination complaint process and procedures. The Office Manager may, at his/her discretion, assign a capable person within the ICRC to investigate the complaint.

#### IV. **Filing a Complaint**

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability – The complaint procedures apply to the beneficiaries of ICRC's programs, activities, and services, including but not limited to the public, contractors, sub-contractors, consultants and other sub-recipients of federal and state funds.

Eligibility – Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the ICRC or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation and Filing Options – Title VI complaints of discrimination may be filed with the Office Manager or Superintendent of the ICRC.

In all situations, ICRC employees must contact the Office Manager immediately upon receipt of a Title VI complaint and forward all documentation as soon as possible.

#### V. **Receipt of Complaint**

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

Complaints received verbally or by other electronic media must be referred to the Title VI Specialist. If necessary, the specialist will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature.

Items that should *not* be considered a formal complaint (unless the item contains a signed cover letter specifically alleging a violation of Title VI include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings

4. Courtesy copies of complaints addressed to other local, State, or Federal agencies
5. Newspaper articles
6. Courtesy copies of internal grievances

## VI. **Investigation**

**Investigation Plan** The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for the complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

### **Conducting the Investigation**

- The investigation will address only those issues relevant to the allegations in the complaint
- Confidentiality will be maintained as much as possible
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case
- A chronological contact sheet is maintained in the case file throughout the investigation

### **Investigation Reporting Process**

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Office Manager for review
- The Office Manager reviews the file and investigative report. Subsequent to the review, the Office Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter
- Should the complainant disagree with the determination by the Office Manager, the investigative report, supporting documentation and decision letter from the Office Manager will be submitted to the Board of Road Commissioners, within 14 days, for review
- The Board of Road Commissioners reviews the file, investigative report, and Office Manager’s decision letter. Subsequent to the review, the Board of Road Commissioners makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and the final decision letter will be forwarded to the Federal Highway Administration Michigan Division Office within 60 days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

## STANDARD ICRC TITLE VI ASSURANCES

### *Appendix A*

Appendix A applies to all Federal-aid contracts and is included as a contract provision. Provisions include but are not limited to the following:

- Construction contracts and vendor/supply agreements.
- Consultant agreements for performance of work in connection with Federal-aid roadway projects. Typical contracts of this nature are for design work and environmental studies.
- Research agreements with colleges, universities or other institutions.
- Fee appraiser and fee attorney contracts in connection with Federally-aided right-of-way work.
- Contracts between the ICRC and contractors for relocation of utilities. Appendix A would *not* apply if the utility itself or its contractor relocates utilities.

### *Appendix B*

Appendix B applies to conveyances of land or property to the ICRC by the Federal government. It requires non-discrimination in connection with the ICRC's use of the property.

### *Appendix C*

Appendix C is applicable to all deeds, licenses, leases, permits and similar instruments.

#### *Examples:*

- Leases and Property Management Agreements.
- Permits and Licenses, except where they are issued for the construction of utilities on roadway right-of-way, the cost of which is paid by the utility company without Federal participation.
- Tenancy Agreements.
- Air Space Agreements.
- Railroad Agreements.

Once the purpose for which the Federal financial assistance is extended terminates and/or the ICRC no longer retains ownership or possession of the property Title VI Assurances do not apply.

Examples of agreements where Appendix C is not applicable are as follows:

Pit Agreements.

- Stockpiling Agreements.

- Relocation Agreements.
- Determination of Vacation and Abandonment.
- Quit Claim Deeds.
- Contracts with property owners, i.e., royalty agreements for obtaining materials.
- Warranty Deeds.

#### *Appendix D*

Appendix D represents the Title VI Complaint Form.

#### *Appendix E*

Appendix E represents the Title VI/EEO Compliance Application form for contractors and suppliers.

## STANDARD ICRC ASSURANCES

The **IRON COUNTY ROAD COMMISSION** (hereinafter referred to as the recipient,) HEREBY AGREES that as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 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, Subtitle A, Office of the Secretary, Part 21, non-discrimination in all activities and 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, religion, sex, age, handicap or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of 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.

The Recipient hereby gives the following specific assurances with respect to all roadway programs:

1. The Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(a) 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 Federal Regulations.
2. The Recipient shall insert the following notification in solicitations for bids for work or material subject to the Federal Regulations made in connection with all roadway programs, and in adapted form, in all proposals for negotiated agreements:

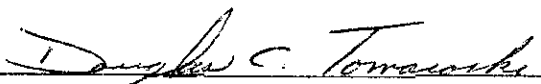
The **IRON COUNTY ROAD COMMISSION** in accordance with Title VI of the Civil Rights Acts of 1964, 78-252, 42 U.S.C. 2000d-222d-4, the Civil Rights Act of 1987, P.L. 100-259, and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprise firms 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, Age, National Origin, or Handicap in consideration for an award.

3. The Recipient will insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Federal Regulations.
4. The Clauses of Appendix B of this assurance shall be included 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. Where the Recipient receives Federal financial assistance to construct a facility or part of a facility, his assurance shall extend to the entire facility and facilities operated in connection therewith.
6. Where the Recipient receives Federal financial assistance in the form of or for the acquisition of real property or an interest in real property, the assurance shall extend to the right to space on, over or under such property.



7. 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. 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 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 to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, 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 Act, the Regulations, and this Assurance.

3 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 signature appears below are authorized to sign this assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Douglas C. Tomasoski, Superintendent/Manager,  
IRON COUNTY ROAD COMMISSION

Date 10-12-04

## 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 shall comply with the Regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation, 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, or national origin in the selection and retention of subcontractors, including procurements 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 Regulation, including employment practices when the contractor covers a program set forth in Appendix B of the Regulations.
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 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, 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 **IRON COUNTY ROAD COMMISSION** to be pertinent to ascertain compliance with such Regulations or directives. 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 State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-compliance:** In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the **IRON COUNTY ROAD COMMISSION** shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b) Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the **IRON COUNTY ROAD COMMISSION** may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 **IRON COUNTY ROAD COMMISSION** to enter into such litigation to protect the interests of the County, and, in addition, the contractor may request the State highway department to enter into such litigation to protect the interests of the State and/or the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

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

### (GRANTING CLAUSE)

NOW, THEREFORE, the **IRON COUNTY ROAD COMMISSION**, as authorized by law, 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 Federal Highway Administration and 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 **IRON COUNTY ROAD COMMISSION** (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 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **COUNTY OF IRON** all the rights, title and interest of the **IRON COUNTY ROAD COMMISSION** 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 the **COUNTY OF IRON**, and its successors forever, subject, however, the covenant, 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 benefits and shall be binding on the **COUNTY OF IRON**, its successors and assigns.

The **IRON COUNTY ROAD COMMISSION**, 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, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, and (2) that the **IRON COUNTY ROAD COMMISSION** 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 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, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Road Commission shall have a right to re-enter 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 **IRON COUNTY ROAD COMMISSION** and its assigns as such interest existed prior to this deed.

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

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **IRON COUNTY ROAD COMMISSION** pursuant to the provisions of Assurance 6(a).

(grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a **IRON COUNTY ROAD COMMISSION** program or activity is extended or for another

purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) 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, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above non-discrimination covenants, the **IRON COUNTY ROAD COMMISSION**, shall have the right to terminate the (license, lease, permit, etc.) and to re-enter 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)\*

That in the event of breach of any of the above non-discrimination covenants, the **IRON COUNTY ROAD COMMISSION**, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **IRON COUNTY ROAD COMMISSION** 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 purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

following clauses shall be included in all deeds, licenses, lease, permits, or similar instruments entered into by the **IRON COUNTY ROAD COMMISSION**, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a **IRON COUNTY ROAD COMMISSION** program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain 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, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above non-discrimination covenants, the **IRON COUNTY ROAD COMMISSION** shall have the right to terminate the license, lease, permit, etc., and to re-enter 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)\*

That in the event of breach of any of the above non-discrimination covenants, the **IRON COUNTY ROAD COMMISSION** shall have the right to re-enter said lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **IRON COUNTY ROAD COMMISSION** 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 the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D**

# TITLE VI COMPLAINT FORM

This form may be used to file a complaint with the **IRON COUNTY ROAD COMMISSION (ICRC)** based on purported violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information is sufficient to file your complaint.

If you need assistance completing this form due to a physical impairment, please contact us by phone at **906 265 6686** **OR FAX US AT 906 265 6680**

Only the complainant or the complainant's designated representative should complete this form.

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Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Home

Work

Fax

Please explain your relationship to the individual(s) indicated above: \_\_\_\_\_

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Name of agency, department or program that discriminated: \_\_\_\_\_

Agency or Department Name: \_\_\_\_\_

Name of Individual if Known: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Home

Work

Fax

Date(s) of alleged discrimination: \_\_\_\_\_

Date discrimination began: \_\_\_\_\_

Last or most recent date of discrimination: \_\_\_\_\_

Waiver Request:

Generally, complaints of discrimination must be filed within 180 days of the alleged discrimination. If the most recent date of discrimination listed was more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint:

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ged discrimination:

If your complaint is in regards to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the bases on which you believe these discriminatory actions were taken.

*Example:* If you believe that you were discriminated against because you are African American, you would mark the box labeled *race/color* and write *African American* in the space provided.

*Example:* If you believe the discrimination occurred because you are female, you would mark the box labeled *sex* and write *female* in the space provided.

- Race/Color \_\_\_\_\_
- National origin \_\_\_\_\_
- Sex \_\_\_\_\_
- Religion \_\_\_\_\_
- Age \_\_\_\_\_
- Disability \_\_\_\_\_

Explain:

Please explain as clearly as possible what happened. Provide the name(s) of witnesses and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written materials pertaining to your case.)

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Signature

Date

*Note: The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:*

**IRON COUNTY ROAD COMMISSION**

Darlene Anderson, Office Manager/Clerk  
200 West Franklin Street  
River, Michigan 49935  
Telephone: 906 265 6686 Fax: 906 265 6680