

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The CITY of ALTOONA, IA _____ (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

“The CITY of ALTOONA, IA _____, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, CITY of ALTOONA, IA also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

CITY of ALTOONA, IA

(Name of Recipient)

by



(Signature of Authorized Official)

DATED

4/17/17

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the CITY of ALTOONA, IA will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Iowa, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the CITY of ALTOONA, IA all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

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

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the CITY of ALTOONA, IA pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, CITY of ALTOONA, IA will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the CITY of ALTOONA, IA will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the CITY of ALTOONA, IA and its assigns.*

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

APPENDIX D

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

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

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

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

APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



TRANSPORTATION TITLE VI PROGRAM REVIEW FOLLOW-UP

City of Altoona, Iowa

March 2, 2017

Introduction

It is the responsibility of the Office of Employee Services – Civil Rights Team (OES-CRT) to conduct Title VI Program reviews of its sub-recipients of federal financial assistance as required by Title VI requirements of Federal Authority 23 CFR 200.9 (4)(b), (5), (6), and (7).

On March 2, 2017 the Iowa Department of Transportation (Iowa DOT) met with City of Altoona, Iowa to conduct a Title VI Program field review of the City’s transportation program and activities. This meeting was a closing follow-up review and follow-up to the desk assessment review conducted on February 15th, 2017.

Goals

The primary goals of Title VI reviews are as follows:

- Ensure compliance with Title VI;
- Provide technical assistance in the implementation of the Title VI program; and,
- To correct deficiencies, when found to exist.

Each of these goals is addressed throughout the review report.

Participants

Those participating in the review were:

Randy Pierce	City of Altoona Clerk/Finance Officer/ Title VI Coordinator
Scott Atzen	City of Altoona Public Works Director
Amy Hill	City of Altoona Administrative Assistant
Steven Kerber	Office of Employee Services – Civil Rights Team, Iowa DOT

Review Process and Findings

The Title VI review process focuses on, but is not limited to, compliance with 10 major components of Title VI as listed below:

1. Developing Title VI Assurances;
2. Developing a Title VI Policy Statement;
3. Identifying a Title VI Liaison;
4. Developing procedures for processing external discrimination complaints;
5. Providing the Iowa DOT with a list of external discrimination complaints;
6. Providing accommodations for Limited English Proficient (LEP) persons;
7. Ensuring nondiscrimination in City of Altoona’ public participation process;

8. Collecting and analyzing data to ensure nondiscrimination in City of Altoona' programs and activities;
9. Ensuring that contracts contain the appropriate Title VI contract provisions; and
10. Ensuring nondiscrimination in the awarding of contracts.

In order to expedite the review process, provide structure to the review, and assure thorough consideration of the major components, the Iowa DOT's reviewer provided a Title VI compliance review tool prior to the on-site review (**Exhibit A**). The following summarizes the questions, written responses and discussions of the issues.

Written Response:

A. AGENCY INFORMATION:

Recipient: City of Altoona, IA

Administrative Head: Jeff Mark, City Administrator, City of Altoona, IA

	Name	Title
Address:	<u>407 8th Street Southeast</u>	

City/State: Altoona, IA Zip Code/City 50009/Polk Count

Phone: 515-967-5136 Fax: 515-967-0842

Email: jmark@altoona-iowa.com {administrator office}

Discussion/Comments:

Title VI Coordinator: Randy Pierce Title: City of Altoona/City clerk/Finance Officer/Title VI Coordinator

Phone: 515-967-5136 Fax: 515-967-0842 Email: rpierce@altoona-iowa.com

Mr. Pierce, as City Clerk/City Finance/Title VI Coordinator, has a responsible position with the City of Altoona and appropriate access to the City of Altoona Administrator and City of Altoona Mayor and/or Council. (23 CFR § 200.9(b)(1)(2))

Written Response:

B. SUB-RECIPIENT PROJECT OVERVIEW {Federal Funding}

PROJECT DESCRIPTION	FUNDING AMT
<u>City of Altoona, FFY 16-17: Gay Lea Wilson Trail Extension</u>	\$700,000.00

C. Please list the Program (s) or Service (s) receiving financial assistance from the Iowa Department of Transportation and the amount received for the current year.

PROGRAMS/SERVICES	FUNDING AMT (YES/NO)	RECURRING
Surface Transportation, Programs, FFY 14--15	None	Yes, Revenues May Occur Each FFY Per LRTP
Highway Bridge Program, FFY 14—15	None	Yes, Revenues May Occur Each SFY Per LRTP

Discussion/Comments:

There are Federal Highway Administration Funded Projects being managed by the City of Altoona, IA in Federal Fiscal Year 16-17. The City of Altoona’s City Street Financial Report was reviewed for State Fiscal Year 15-16 {most recent report showing Federal Highway Administration (FHWA) participation}.

Written Response:

III. TITLE VI CERTIFICATIONS AND ASSURANCES

A. Has the agency signed and submitted its Standard DOT Title VI Assurances? Yes No

Discussion/Comments:

Yes, City of Altoona has signed and submitted the Standard DOT Title VI Assurances on 4-17-2017. The City Administrator of the City of Altoona certified the Assurances. (**Exhibit B**).

B. Has the sub-recipient submitted its Title VI Program plan to the Iowa Department of Transportation? *Note: Agencies with population over 250,000 are required to have a Title VI Plan. Agencies with a population under 250,000 are required to have Title VI Nondiscrimination Agreement.* Yes No

Discussion/Comments:

Yes, City of Altoona has signed and submitted Title VI Non-Discrimination Agreement on 04June2015. The City Administrator of the City of Altoona certified the Agreement. (**Exhibit C**).

C. Does the agency complete an annual Title VI Accomplishment and Goals report? Yes No (Please provide a copy) *Note: Agencies with populations over 250,000 must submit to the Iowa DOT by September 1st. Agencies with populations less than 250,000 must prepare and retain on file for 3 years.* s

Discussion/Comments:

The reviewer followed up by reviewing the elements of a Title VI Annual Accomplishments and Goals Report (as described in the Title VI Non-Discrimination Agreement) and recommends the

City of Altoona develop and implement the processes of generating the Accomplishment and Goals Report each City Fiscal Year ending. The review team discussed and agreed to a best practice of presenting and reviewing the Accomplishment and Goals Reports through a formal agenda published and posted Council/Mayor meetings. Further discussions include reviewing areas that include training goals for elected officials and/or city staff and reviewing data statistics and then analyzing the meaning of these possible changes. The document is to be used to direct and suggest the direction of the City of Altoona planning each Fiscal Year regarding Title VI responsibilities toward transportation planning for the City.

D. Does the agency have a Title VI Policy? (Please provide a copy) Yes No

Discussion/Comments:

Yes, City of Altoona has signed and submitted Title VI Non-Discrimination Policy Statement on 04June2015. The Mayor of the City of Altoona certified the Agreement (**Exhibit D**).

E. What is the process used by sub-recipients to assure Title VI compliance? Please explain:

Discussion/Comments:

The City of Altoona discussed the Title VI Compliant Incident Form and the administrative processes involved in an active investigation.

IA DOT Reviewer requested the Title VI Non-Discrimination Policy Statement continued to be posted on Public Works Department Poster Boards and further suggested that copies of the policy be discussed and distributed throughout all City Departments. The IA DOT Reviewer continues to suggest having a “stand-down” training for all City Departments and in particular the City of Altoona Council/Mayor and the Public Works Department. These trainings are an opportunity to discuss the importance of the Civil Rights Acts and supporting Executive Orders or Regulations as these “arc” over the City. It is also an opportunity for the Title VI Coordinator {City Clerk/Finance Director} to discuss the responsibilities of the Public Works Department regarding Title VI of the 1964 Civil Rights Act {transportation}. The IA DOT Reviewer emphasized to City of Altoona City Clerk/Finance Director /Title VI Coordinator’s reporting responsibilities through the Title VI Accomplishments and Goals to the City of Altoona Council/Mayor and externally to the City of Altoona’s Citizens and/or Residents.

The IA DOT Reviewer suggested referencing the Iowa DOT’s I.M. 1.070 issued by the Office of Local Systems which lists the related nondiscrimination authorities. The training assets of the Iowa DOT website and FHWA’s website were suggested as a resource.

<http://www.fhwa.dot.gov/civilrights/>

<http://www.iowadot.gov/civilrights/index.aspx>

https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

The City of Altoona demonstrated good faith efforts to develop, document, and monitor Title VI Non-Discrimination Practices through the following:

- **Chief Administrative Officers {City Mayor} Declaration signature of 04June2015**

o **Posting of Title VI Non-Discrimination Policy Statements on Poster Boards throughout City of Altoona**

F. Are the Title VI Assurances appendixes included in all contracts? This includes deeds, permits, and leases. (Please provide a contract with the Title VI provisions.) Yes XXX No _

Discussion/Comments:

The City of Altoona does let locally projects and it was discussed that the Standard DOT Title VI Assurances be inserted in all locally let contracts and the City agreed to do so.

The Iowa DOT reviewer emphasized the City of Altoona review all of its construction or maintenance agreements and contracts to include Title VI language by ensuring inclusion of language from the Standard DOT Title VI Assurances and Federal Highway Administration {FHWA 1273}.

G. Are planning manuals, directives, guidelines, operational procedures, and policies reviewed for Title VI compliance purposes? (Example: Contractor selection procedures and appraisal process for ROW.) Yes XXX No __

Discussion/Comments:

The City of Altoona states that the municipality reviews its public hearings, employee handbook, and the city employment applications regarding Title VI Compliance purposes.

The City of Altoona does let locally projects and it is suggested the Standard DOT Title VI Assurances be inserted in all future contracts and not just contracts let by the Iowa DOT and the City agreed to do so.

The Iowa DOT reviewer suggests the City of Altoona review all of its construction or maintenance agreements and contracts to include Title VI language (ensure inclusion of language from the Standard DOT Title VI Assurances and Federal Highway Administration {FHWA 1273}).

H. Does the agency have an ADA Coordinator? Yes XX No __ If yes, where can the public find the contact information for the ADA Coordinator?

Discussion/Comments:

The ADA Coordinator is located in the Public Works Department of the City of Altoona. The City Administrator/ADA Coordinator contacts are available on the City of Altoona Website and Personal Contacts.

The City of Altoona posts ADA Coordinator Notifications in City Hall Posting Boards, Department of Public Works Posting Boards, and the City of Altoona Website.

I. Does the agency have an ADA Transition Plan? Yes **XX** No ___ If yes, how does the agency disseminate this information to the public?

Discussion/Comments:

The City of Altoona ADA Transition Plan is currently being updated by the Engineering Department. If the public contacted the City of Altoona in regards to the ADA Transition Plan, the City Staff will refer the public to speak to the City Engineer regarding to specifics. The Revised City of Altoona ADA Transition Plan will be available at City Hall or request a copy be sent to her/him.

The City of Altoona reviews the Transition Plan continually and posts proposed changes or improvement planning in the Department of Public Works Posting Boards and the City of Altoona Website.

IV. SUB-RECIPIENT DEMOGRAPHIC INFORMATION

A. CITY/CITY POPULATION & DEMOGRAPHIC INFORMATION:

TOTAL POPULATION OF LOCAL PUBLIC AGENCY {LPA}: 15,808

SOURCE: US American Factfinder of 2015

RACE/ETHNICITY

RACE	NUMBER	%	HISPANIC	NUMBER	%
White	15,282	96.7%	Hispanic or Latino	648	4.1%
Black or African American	106	0.7%	Mexican	535	3.4%
Am. Indian/Alaskan Native	0	0.0%	Puerto Rican	68	0.4%
Native Hawaiian/Other Pacific Islander	0	0.0%	Cuban	23	0.1%
Asian	88	0.6%	Other Hispanic or Latino	22	0.1%
Some other race	0	0.0%			

SEX

SEX	NUMBER	%
Male	7,440	47.1%
Female	8,368	52.9%

AGE

STATUS	NUMBER	%
Under 19 years of age	4,710	29.8%

20 to 64 years of age	9,304	58.9%
65 and over	1,794	08.3%

POVERTY
2015 ACS 5—Year Population Estimates

	NUMBER	%
Below Poverty Level	964	6.1%
At or Above Poverty Level	14,844	93.9%

FOREIGN-BORN POPULATION
2015 ACS 5—Year Population Estimates {5 and over}

	NUMBER	%
Total foreign-born	206	1.3%
Speak English “not well” or “not at all”	489	3.3%

DISABILITY
2015 ACS 5—Year Population Estimates {noninstitutionalized}

TYPE	NUMBER	%
Total Disabled Population	1,794	11.3% of 15,808
Employment Eligible	592	32.9%
Employed	52	0.09%

Written Response:

V. PUBLIC NOTIFICATION OF RIGHTS & ACCESSIBILITY

A. Is Title VI (i.e. Policy and/or Title VI Plan) information publicly displayed and accessible to staff and service beneficiaries? Yes **XX** No ___ If yes, please describe mechanism:

Discussion/Comments:

The City of Altoona Title VI Coordinator {City Clerk/Finance Director} places the Title VI and You Brochures in the common areas of the City Hall. The City also posted the Title VI Non-Discrimination Policy Statement throughout the common areas. The City will add the Title VI Non-Discrimination Policies on the Municipal Website. The City of Altoona Title VI Coordinator {City Clerk/Finance Director} agreed to begin “toolbox” trainings with the Council/Mayor and the Department of Public Works regarding the Title VI responsibilities of operations.

B. Does all Title VI related information and materials identify the name and contact information to whom complaints should be referred? Yes **XX** No ___

Discussion/Comments:

The City of Altoona has posted the Title VI Notices to the Public on all public posting boards.

C. Does the sub-recipient disseminate Title VI information to employees, clients and constituents? Yes **XX** No ___ If yes, please describe process:

Discussion/Comments:

The City of Altoona continues its “good faith efforts” in posting Title VI information on the City’s posting boards, break rooms, and the City Website. The Standard DOT Assurances shall be included with information sent to all bidders or venders. CTS Language Link or other available Language Support Services will be offered throughout the Department of Public Works. Further, the team discussed collaboration with City of Altoona Police Department and/or Emergency Response Services regarding LEP issues and supports.

D. Does the sub-recipient provide Title VI training to agency staff? (Please provide documentation as to when, to whom, and what was presented.) Yes **XX** No ___

Discussion/Comments:

The review team discussed incorporating Title VI topics into Council/Mayor meetings. The review team also discussed the City of Altoona documenting all training sessions with formal topic agenda and sign-in sheets regarding Department of Public Works toolbox trainings. The Iowa DOT reviewer also recommended Iowa DOT’s Civil Rights and/or the Federal Highway Administration Websites resources of materials may be used for training. The training documentation records should be included in the City of Altoona’s annual Accomplishments & Goals Report.

Written Response:

VI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

A. Does the sub-recipient have a Limited English Proficiency (LEP) plan? Yes ___ No **XX**
If yes, when was the self-assessment?

Discussion/Comments:

The review team discussed at length the demographic and data materials and their use in developing an analysis regarding the Limited English Proficiency (LEP) planning. The Iowa DOT reviewer suggested that the Race/Ethnicity, Disability, and Low-Income Sections should be reviewed with particular attention at each Accomplishment and Goals Reporting. The Reviewer also suggests documenting any LEP Requests each Reporting Year. The review team reviewed {hearing or sight} physical impairments the impact of ADA planning responsibilities. Also, CTS Language Link or other available Language Support Services will be offered throughout the Department of Public Works. Further, the team discussed collaboration with City of Altoona Police Department, the Emergency Response Services, and/or local interpreters’ options will be explored. Finally, the team discussed possible collaborations with Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO).

B. What steps has the sub-recipient taken to ensure meaningful access to the benefits, services, information, and other important components of its programs and services to persons with Limited English Proficiency? Please describe:

Discussion/Comments:

The City of Altoona’s good faith efforts includes collaboration with the Altoona Police Department regarding LEP Issues. Also, CTS Language Link or other available Language Support Services will be offered throughout the Department of Public Works. Further, the team discussed collaboration with City of Altoona Police Department, the Emergency Response Services, and/or local interpreters’ options will be explored. Finally, the team discussed possible collaborations with Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO). {

Written Response:

VII. TRANSPORTATION (BOARDS AND COMMISSIONS)

A. List transportation-related appointed board(s), commission(s), or advisory board(s), if any:

City of Altoona has membership with Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO). City of Altoona has two (2) elected representatives assigned to the Transportation Policy Committee and two (2) community representative designated and assigned to the Transportation Technical Committee.

RACIAL/ETHNIC BREAKDOWN OF THE TRANSPORTATION-RELATED BOARD(S) AND/OR COMMISSION(S):

GROUP	NUMBER
White	4 of 4
Black or African American	
Am. Indian or Alaskan Native	
Asian	
Native Hawaiian or other Pacific Islander	
Other {Public Safety/Transportation Committ’}	

VIII. PUBLIC PARTICIPATION AND OUTREACH

A. Please provide documentation/evidence describing efforts to identify and involve minority and low-income residents and communities within your service area in the decision-making process:

Discussion/Comments:

The City of Altoona posts Notices Council/Mayor Agendas/Hearings on the publication boards of City Hall. Local publications of Agendas/Hearing in newspapers, the City Website, and direct mailing to citizens affected by zoning or development proposal or changes. Notice Boards {signs} are placed on the effected property.

Altoona Herald-Index

Address: 400 Locust St Ste 500 Des Moines, IA 50309
County: Polk
Phone: 515-699-7000
Fax: 515-699-7098

Website: www.altoonaherald.com

Publish Days: Wed

Circulation: 4049

Readership: 8098

Des Moines Register

Address: 400 Locust St, Ste 500 Des Moines, IA 50309

County: Polk

Phone: 515-284-8000

Email: letters@dmreg.com

Website: www.desmoinesregister.com

Publish Days: Sun, Mon, Tue, Wed, Thu, Fri, Sat

Circulation: 106437

Readership: 212874

- B. Please describe the methods used to inform low-income, and minority populations of planning efforts for transportation-related services and/or improvements:

Discussion/Comments:

The City of Altoona's Transportation Planning is done through the Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO) Affiliations. City Public Notices are published in the designated publication of the City of Altoona and the Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO) Affiliations by collaboration. Documentation and Evidence describing and supporting "good faith effort" by invitational strategies by mail to reach out to Minority and Limited English Proficiency {LEP} communities. Engagement strategies will explore lingual, institutional, cultural, economic, and historic barriers. The DOT Reviewer suggested documentation of the development of strategies and the results of the strategy outreach efforts.

- C. List minority and/or community media utilized to ensure notification of public meetings or public review of agency documents for residents in minority and low-income communities:

Discussion/Explanations:

City of Altoona listed the following:

City of Altoona: E-Newsletter and Websites

Newspapers: Altoona Herald-Index, Altoona Living Magazine, and The Des Moines Register

Discussion/Comments:

The review team discussed at length the demographic and data materials and their use supporting access opportunities to citizens that may be low-income and/or physically or emotionally challenged, or senior groups. Suggestions such as considerations of public meeting notices posted through access to electronic media verses traditional media sources, physical access to meeting locations, and specific considerations of citizens' outreach were reviewed and will be considered in future public meeting notices.

D. List adverse social, environmental, economic or demographic impacts identified on any planned or programmed transportation-related projects during the last two years:

Discussion/Comments:

The review team discussed the Accomplishments and Goals Report is an opportunity to review the changing demographics, economic changes, and social impacts each year. The City of Altoona had a population of 17,458 as of July 1, 2016. Altoona ranks in the upper quartile for Population Density and Diversity Index when compared to the other cities, towns and Census Designated Places (CDPs) in Iowa.

E. Are accessible locations and translation services considered or provided during public outreach sessions? Do you notify the public of available accessibility services? (Please provide a copy.) Please describe:

Discussion/Comments:

None were noted or discussed; the City of Altoona’s public hearings are at City Hall which is accessible. The Iowa DOT Reviewer suggests making public hearing notices and agendas adaptable for specific citizen requests for accommodations with a contact name{s} and number{s} to whom the requests should be directed. The City of Altoona may collaborate with Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO) regarding Americans with Disabilities Act Planning. The City of Altoona is developing a Curb Ramp Transition Plan.

F. Is the data collected and retained on the attendance at public sessions? Is the information broken down by race, color, national origin and sex? (Please provide a copy of data or voluntary data collection form.) Yes ___ No **XX**

Discussion/Comments:

None were noted or discussed; the City of Altoona does use sign-in sheets although the log does not contain demographic information. Various methods of data collection should be reviewed and the Iowa DOT Reviewer suggests exploring collaboration with Des Moines Area Metropolitan Planning Organization (Des Moines Area MPO) regarding data collections at public meeting sessions. The Iowa DOT Reviewer will also forward a “best-practice” sign-in sheet logging demographic information at the City of Altoona’s option.

Written Response:

IX. INVESTIGATION AND COMPLAINT PROCESSES

A. Does your agency have written procedures for responding, recording, and resolving Title VI and ADA investigations complaints, lawsuits? Yes **XX** No ___ Please provide a copy of procedures.

Discussion/Explanations:

Should a person make a complaint in regards to Title VI Compliance, the City of Altoona would provide an Altoona Incident Form and ask the citizen to complete it. When the form

is returned to the City, the respective Title VI or ADA Coordinator would investigate the complaint and maintain communications with the citizen. The City would work to resolve any issues that regarding the specific complaint and work to prevent the issue{s} from reoccurring.

Discussion/Comments:

The procedures are contained in the Title VI Non-Discrimination Agreement already submitted to the Iowa DOT. The Iowa DOT Instructional Memorandum 1.080 discusses ADA complaint procedures. Please review **Exhibit C**. The Iowa DOT Reviewer suggests developing and maintaining compliant archival systems for both. The City of Altoona will place Compliant Notices on public posting boards of City Hall and the IA DOT Reviewer suggests placing the Notice on the City Website:
<http://www.altoona-iowa.com/>.

- B. Has your agency made the public aware of the right to file a complaint? Yes No
Please describe the mechanisms or policies? Public Notice of Title VI Non-Discrimination Policy, Standard DOT Title VI Assurances, and Title VI and You Brochures, and review of Iowa DOT Instructional Memorandum 1.070 and Instructional Memorandum 1.080.

Discussion/Explanations:

The Title VI Notice and ADA Notice of Contacts are posted on the public boards and City Website. Incident/Compliant Forms are available in all City of Altoona Departments, City Vehicles, and on the City Website.

Discussion/Comments:

Iowa DOT Reviewer provided the City of Altoona with a Title VI Notice to Public template regarding posting certifications and the City will be posting the notice in areas accessible to the public.

- C. Please list any Title VI complaints on the basis of race, color and national origin in your agency in the past two years: None Were the complaints investigated? By whom?

Discussion/Comments:

The City of Altoona does have a complaint process that is part of the City's Title VI Non-Discriminaton agreement. The review team discussed tracking compliant histories in the Annual Accomplishments & Goals Report.

Conclusion:

Overall, the Title VI Procedures and Processes in the City of Altoona, Iowa are being carried out in accordance with governing regulations, policies, and procedures as they relate to transportation activities.

Commendations:

The City of Altoona has completed its ADA Inventories and Planning. The City is congratulated on an effort and job “well done.”

Recommendations:

- This Review and Report recommends the City of Altoona, Iowa develop a reporting mechanism for Annual Accomplishments & Goals Report.
- This Review and Report recommends the City of Altoona, Iowa develop and implement a training plan for all employees to ensure they are informed of the City’s Title VI responsibilities. The City should document the training sessions with formal agendas and sign-in sheets and place into archival files. This information is reportable in the Annual Accomplishments & Goals Reports.
- This Review and Report recommends the City of Altoona, Iowa provide notification of where and to whom requests for American with Disabilities Act accommodations should be made.