

# TITLE VI PLAN

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## **Midland Area Transportation Study**

### **Metropolitan Planning Organization**

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## Introduction

The Metropolitan Planning Organization (MPO) is mandated by federal law in all urbanized areas with populations greater than 50,000 to carry out the “3C” (continuing, cooperative and comprehensive) transportation planning process. In January 2013, the Midland Area Transportation Study (MATS) was designated as an MPO by Michigan Governor Rick Snyder. MATS is a single purpose agency that focuses on transportation planning services and issues, fulfilling federal requirements to maintain funding for its transportation network, providing management and policy functions for the transportation planning programs, as well as conducting regional transportation studies/activities within its planning area. The MATS planning region is the entire geographic County of Midland, the geographic areas of the City of Auburn and Williams Township within Bay County, and Tittabawassee Township within Saginaw County.

MATS' goal is to assist in the development and preservation of a safe, effective, well-maintained, efficient, and economical transportation system for the Midland metropolitan area, while minimizing negative impacts on the physical and social environments and related land use. MATS' programs serve all people within its planning area, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the area. MATS recognizes its responsibility to provide fairness and equity in all of its programs and activities, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

Title VI of the Civil Rights Act of 1964, is the civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Related statutes have broadened the grounds to include age, sex, low income, disability, and limited English proficiency. As a sub-recipient of federal funds through the Michigan Department of Transportation (MDOT), MATS is required to meet the provisions of the various Title VI Authorities.

Furthermore, The Metropolitan Planning Organization (MPO) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

## Title VI Authorities

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

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” (42 U.S.C. Section 2000d).

Following related statutes and executive orders have broadened the grounds to include age, sex, low income, disability, and limited English proficiency:

**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.

**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.

**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.

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

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of such disability, be excluded from the 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.

**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. This EO requires federal agencies to achieve Environmental Justice as part of their missions by identifying disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations.

**EO 13166:** Improving Access to Services for Persons with Limited English Proficiency. This EO provides that in addition to not be subjected to discrimination on the basis of race, color, or national origin, no person shall be denied access based on limited ability to speak, write, or understand the English language under any program or activity that receives federal financial assistance. In accordance with this Executive Order, MATS has undertaken a Limited English Proficiency review, which is included later in this document.

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

## **Discrimination under Title VI**

There are two types of discrimination prohibited under Title VI and its related statutes.

One type of discrimination that may or may not be intentional is “disparate treatment”. Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, age, or disability.

The second type of discrimination is “disparate impact”. Disparate impact occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy or practice rather than the intent.

The MATS’ efforts to prevent such discrimination must address, but not be limited to, impacts, access, benefits, participation, treatment, services, contracting opportunities, training, allocation of funds, prioritization of projects, and the overarching functions of regional planning, project development and delivery.

### **Goals and Objectives of MATS’ Title VI Program**

MATS has developed this Title VI Program to assure that programs and activities of the MPO are conducted and administered fairly, without regard to race, color, national origin, sex, age, disability, or limited English proficiency.

The primary goals and objectives of MATS’ Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the MATS’ programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, disability, or limited English proficiency;
3. To prevent discrimination in the MATS’ programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person;
5. To establish procedures to review Title VI compliance;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the MATS’ services, programs, or activities.

## **MATS Title VI Non-Discrimination Policy Statement**

The Midland Area Transportation Study (also referred to as "MATS") is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.

MATS assures that no person shall on the grounds of race, color, national origin, religion, sex, age, disability, or limited English proficiency, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MATS program or activity, whether or not the program or activity receives federal financial assistance. MATS further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs or activities on any person, including minority populations and low-income populations. Additionally, the Midland Area Transportation Study will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

MATS will comply with all federal regulations and report complaints of discrimination to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer. All MATS staff are directed to comply with Title VI laws and orders. The Director of MATS has been identified as the Title VI Coordinator for MATS and is responsible to ensure MATS' compliance with the Title VI regulations.

Inquiries concerning MATS' policies, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI may be directed to : Title VI Coordinator, Midland Area Transportation Study, 220 W Ellsworth Street Suite 326, Midland, MI 48640, phone (989) 832-6333, or email: [info@midlandmpo.com](mailto:info@midlandmpo.com)

This policy statement will be placed on MATS webpage and will be included by reference in all contracts, agreements, and programs administered by MATS.

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Brad Kaye, Chairman  
Midland Area Transportation Study Policy Committee

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Maja Bolanowska, Director  
Midland Area Transportation Study

## Midland Area Transportation Study Title VI Assurances

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

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the Federal Aid highway program:

1. That the Recipient 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 Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FHWA programs, and, in adapted form, in all proposals for negotiated agreements:  
*“The (Recipient), 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 Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively 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 race, color, or national origin in consideration for an award.”*
3. That the Recipient shall insert the clauses of Appendix A and Appendix B of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix C of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith. Recipient will adhere to Title VI equity analysis (Appendix D) with respect to construction of a facility.
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 shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix E of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under an FHWA program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved, under a FHWA 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 Recipients or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assistance.

**THIS ASSURANCE** is given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient under the programs of the Federal Highway Administration (FHWA) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the FHWA program. The person, or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Recipient.

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Maja Bolanowska, Director  
Midland Area Transportation Study

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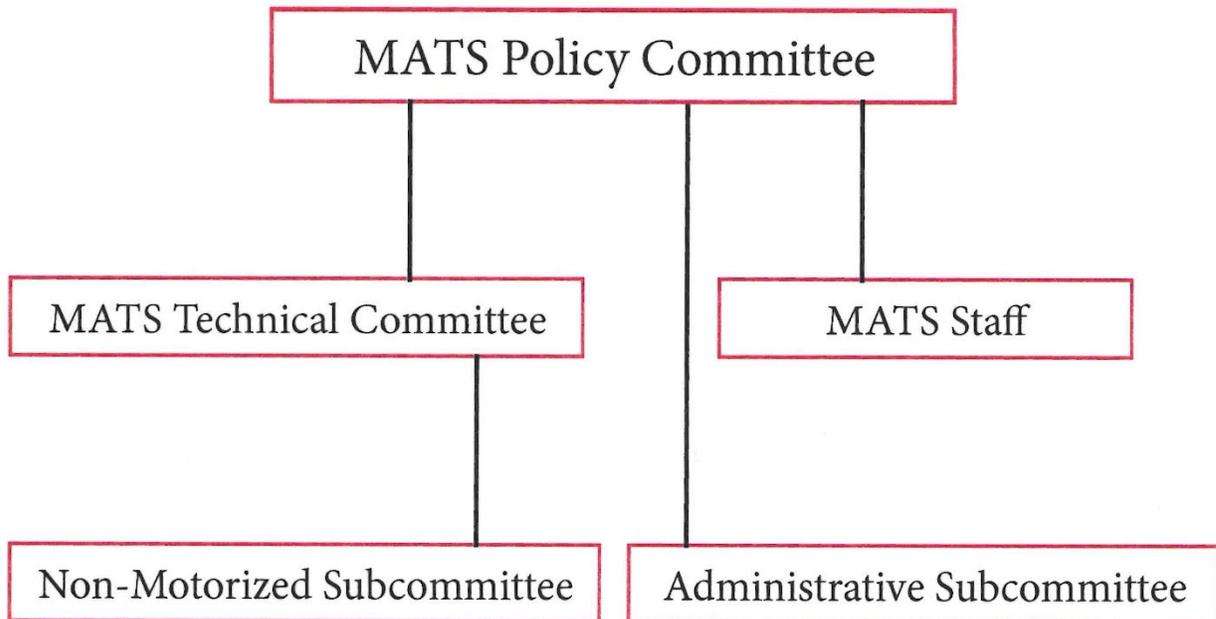
Date

## Structure for Organizational Oversight and Compliance

The Policy Committee is the governing body of MATS, it includes various officials from local agencies dealing with transportation aspects plus other members from the Michigan Department of Transportation and the U.S. Department of Transportation. The Policy Committee generally acts under the advisement of the MATS Technical Committee, which reviews in detail the activities of the MATS and provides recommendations to the Policy Committee. The Technical Committee is composed of technically-oriented delegates who represent various transportation, planning, engineering and other interests in the area. Continuing technical support to the transportation planning program is provided by the MPO staff, currently consisting of two full-time member as the MATS Director and the Transportation Planner. The MATS' Organizational chart is shown below.

The Policy Committee makes decisions about agency responses and actions regarding any issues of discrimination under Title VI. The Director is responsible for ensuring all internal program areas and external recipients of federal funds are in compliance with Title VI requirements. The Director is responsible for the coordination of the day-to-day administration of the Title VI Program and will report to Policy Committee on all related matters.

### MATS ORGANIZATIONAL CHART



## Programmatic Roles and Responsibilities

### Designation

The MATS Director, as a designated Title VI coordinator, is responsible for coordinating the administration of the Title VI Plan and related programs, including monitoring and ensuring MATS compliance with the Title VI regulations.

The current contact information for Title VI Coordinator is as follows:

Maja Bolanowska  
Director  
Midland Area Transportation Study  
220 W Ellsworth Street, Suite 326  
Midland, MI 48640  
(989) 832-6333  
Email: [info@midlandmpo.com](mailto:info@midlandmpo.com)  
Website: [www.midlandmpo.org](http://www.midlandmpo.org)

### Title VI Responsibilities

The MATS Director, as a designated Title VI coordinator, will:

- Ensure that all aspects of the planning process comply with Title VI and Environmental Justice (EJ),
- Process Title VI complaints received by MATS,
- Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups through the public involvement process,
- Compile and collect, as needed, statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of MATS plans and programs,
- Conduct reviews of Title VI program areas to determine the effectiveness of the program at all levels, and where applicable, incorporate procedures to ensure compliance with Title VI,
- Submit sub-recipient annual certification form to MDOT,
- Attend training on Title VI matters, as made available.

### Administration - General

#### 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, disability, or handicap, he/she may exercise their right to file a complaint with MATS. Appendix F contains MATS' Title VI Complaint Form.

Every effort will be made to resolve complaints informally at the lowest level. Complaints may be filed with the MATS Director. Complaints may also be filed directly with the MDOT – Civil Rights Program Unit, the Federal Highway Administration or the Federal Transit Administration.

### Data Collection

Statistical data on race, color, sex, national origin and English language ability of participants and beneficiaries of MATS programs, will be gathered and maintained by MATS. The compilation procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI and Environmental Justice (EJ) program.

MATS' Title VI Public Involvement Record Sheet contained in Appendix G, is used at MATS' open-houses/public meetings to assist in complying with its reporting obligations.

### Program Reviews:

The designated Title VI Coordinator will conduct the Title VI program reviews as necessary (based on the annual Title VI activities, accomplishments and problems) to assess the administrative procedures, staffing and resources available, and to assure effectiveness in compliance of Title VI provisions.

### Annual Reporting Form:

The Title VI Coordinator will be responsible for coordination, compilation and submission of the annual reporting by October 5<sup>th</sup> to the Civil Rights Program Unit of Michigan Department of Transportation (MDOT), via the Sub-Recipient Annual Certification Form (MDOT Form #0179).

### Title VI Plan Updates:

Title VI Plan updates will be completed when conditions change which impact the provisions of the current Plan. If updated and significant changes made, a copy of Title VI Plan will be submitted to the Civil Rights Program Unit of MDOT as soon as practicable, and no later than 30 days.

### Public Dissemination:

MATS will disseminate Title VI Program information to the employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will comprise of inclusion of Title VI language in contracts, and making the MATS' Title VI Plan and Notice to the Public (Appendix H) available in hard copy and on its website at [www.midlandmpo.org](http://www.midlandmpo.org).

### Remedial Action

MATS will actively pursue the prevention of Title VI and Environmental Justice deficiencies and violations and will take 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 subsequently set it (them) in writing to effect compliance may not exceed 90 days from the day deficiencies are found.

## **Title VI Complaint Procedures**

### **Purpose**

The purpose of complaint procedures is to describe the process used by MATS for processing discrimination grievances under Title VI of the Civil Rights Act of 1964, and related statutes. The procedures are intended to provide aggrieved persons an avenue to advance complaints of discrimination regarding the MATS' programs and activities, should those arise.

### **Roles and Responsibilities**

The Title VI Coordinator of MATS has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint. The designated investigator will conduct an impartial and objective investigation, collect factual information, and prepare a fact-finding report based upon information obtained from the investigation.

### **Filing a Complaint**

#### Applicability

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

#### Eligibility

Any person who believes that he/she has been excluded from participation in, or denied benefits or services of, any program or activity administered by MATS 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 and Related Statutes.

Items that should not be considered a formal complaint (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include, but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of internal grievances or court pleadings,
- Newspaper articles.

#### Time Limitation and Filing Options

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, he/she will have an additional sixty (60) days after becoming aware of the alleged discrimination to file the complaint.

Title VI complaints of discrimination may be filed with:

- MATS
- The Michigan Department of Transportation
- The U.S. Department of Transportation (Federal Highway Administration or Federal Transit Administration)

### Details regarding Complaint

The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The complaint need to include:

- Names of the complainant(s) and respondent(s),
- Basis for complaint,
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against,
- Remedy sought by the complainant(s).

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. Appendix F contains Title VI Complaint Form. Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

In cases where the complainant is incapable of providing a written statement, the complainant will be assisted by MATS employee, or other person authorized to receive complaints on behalf of MATS in converting the verbal complain into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

### **Complaint Processing**

Upon receipt of any complaint, the Title VI Coordinator will keep record of all correspondence received regarding that complaint. The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

### Initial Contact

The Title VI Coordinator and other MATS staff serve as MATS' resources for members of the public who wish to file a discrimination complaint under Title VI and related statutes. As resources, they will provide complainants with:

- An explanation of their filing options
- A Title VI and Related Statutes Discrimination Complaint Form (see Appendix F)

### The Complaint Investigation

1. The Title VI Coordinator, or her/his designee, will review the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.

Complaints made against a MATS sub-recipient may be investigated by MATS.

If a Title VI complaint is received on a MDOT related contract against MATS, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a complaint filed against MATS, the complaint and any pertinent information should immediately be forwarded to the MDOT Office of Civil Rights Programs. Once MATS is notified of the investigation findings from the MDOT Civil Rights Program Unit regarding a complaint, MATS will determine its response to the findings. All parties will be properly notified of the

outcome and their right to appeal the MDOT Civil Rights Program Unit EEO Officer's investigation.

2. The complaint shall be investigated, unless:
  - The complaint is withdrawn.
  - The complainant fails to provide required information.
  - The complaint is filed beyond noted time limitations.
  - The complaint is determined to be more appropriately reviewed under a jurisdiction other than MATS. If this is the case, the complainant will be directed to the appropriate agency.
3. Upon determination that the complaint warrants a MATS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator (that being Title VI Coordinator or his/her designee).
4. Respondent - the person alleged to have committed the discrimination - is notified by mail that he/she has been named in a complaint. The letter also includes the investigator's name and informs the respondent that he/she will be contacted for an interview.
5. The investigation will address only those issues relevant to the allegations in the complaint. Confidentiality will be maintained as much as possible. All records and investigative working files will be maintained in a confidential area. Records will be kept for three years.
6. 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 will be maintained in the case file throughout the investigation.
7. Within 60 days of receiving the complaint, the investigator prepares an investigative report detailing the matter and the findings and submits the report and supporting documentation to the MATS Policy Committee for review. Subsequent to the review, MATS Policy Committee will make a determination of "probable cause" or "no probable cause" and the decision letter will be issued.
8. A copy of the complaint, together with a copy of the investigation report and final decision letter, will be forwarded to the MDOT Civil Rights Program Unit within 90 days of the date complaint was received.

### **Retaliation**

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.

In case of retaliation or intimidation, MATS' Title VI Coordinator should be contacted.

## Limited English Proficiency Plan

Compliance with Title VI includes consideration of Limited English Proficient (LEP) persons. Language barriers can prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English, and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

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. It is essential that MATS personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about diverse clientele in its service area.

The U.S. Department of Justice, Civil Rights Division, has developed a set of elements that may be helpful in evaluating the need for designing an LEP policy or plan. These elements are:

1. Identifying LEP persons who need language assistance.
2. Identifying ways in which language assistance will be provided.
3. Training of staff and others.
4. Providing notice to LEP persons.
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT (see below).

The DOT guidance outlines four factors that recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the recipient and overall cost.

The intent of the DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

## The Four-Factor Analysis regarding MATS

**Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a MATS program, service, or activity.**

Information is available from the 2014-2018 American Community Survey which defines the number of persons who speak languages other than English, including their proficiency with English as well as their native language. The ACS has two classifications of how well people speak English. The classifications are "very well" and "less than very well." For the purposes of this analysis, persons that speak English "less than very well" are considered as Limited English Proficient (LEP) persons. The information below indicates the data available to determine the numbers of persons falling to these categories.

The MATS planning area encompasses all of Midland County, City of Auburn and Williams Township in Bay County, and Tittabawassee Township in Saginaw County. Based on data from the 2014-2018 American Community Survey (ACS), the total population of 5 years of age or older within the MATS planning area is 94,790 people. Of this total, 3,751 (3.96%) speak a language other than English at home. Of those who speak another language at home, 819 (0.86%) indicated that they speak English "less than very well." The following table shows the summary of these statistics.

**Table 1: English Proficiency within MATS area**

English Proficiency of MATS Area		Estimate	Percent of Total
Speak English Only		91,039	96.04%
English as a second language but speak "very well"		2,932	3.09%
Limited Proficiency - Speak English "less than very well"		819	0.86%
Total		94,790	100.00%

Table 2 shows the different language groups within the MATS area and the total number of each group that speaks English less than "very well." It also shows the percentage of the total population that speaks English less than "very well" per language group. The total percent of all the language groups for the MATS area is 0.86%.

**Table 2: LEP Populations by Language Group within MATS area**

Language	Estimate	Percent of Total
Spanish	156	0.16%
Other Indo-European	12	0.01%
Asian/Pacific Island	448	0.47%
Other	203	0.21%
Total	819	0.86%

The thresholds for addressing Limited English Proficiency is 1,000 population for each language group or 5% of total population. The analysis shows that MATS is well below the population threshold as well as the percentage threshold, i.e. has very few LEP persons within its planning area.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*" Since MATS fulfills both conditions, it will not develop a formal written LEP plan. In addition, based on not meeting LEP threshold, MATS does not need to translate vital documents into other languages. However, MATS will monitor the LEP needs within its planning area, and will strive to accommodate any LEP person on a request basis to make sure their needs are met.

**Factor 2: The frequency with which LEP persons come in contact with a MATS program, activity, or service.**

MATS programs and projects are evaluated in relationship to the number of persons who are within the program or project area and the number of times they visit the activities. For every regularly scheduled MATS meeting, a sign-in sheet is used to determine public participation. MATS encourages anyone to participate in MATS' meetings, including minority, low-income or LEP persons. Up until this time, MATS has not had any encounters with LEP persons with any of its projects or programs, or in any of its meetings. If any LEP-related requests are encountered, MATS will handle them on a case by case basis. An additional form is available at MATS' meetings, it facilitates tracking the demographic characteristics of participating public. A copy of the form is included in Appendix H.

**Factor 3: The Nature and Importance of the Program, Activity, or Service by MATS to the LEP population.**

MATS supports cooperative, comprehensive, and continuing transportation planning outlined as responsibilities of a Metropolitan Planning Organization (MPO) in federal transportation acts. MATS has duty to develop three (3) main documents: the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), and the Unified Work Program (UWP); and other plans and programs as needed. The Metropolitan Transportation Plan provides direction for area transportation improvements out twenty (20) to thirty (30) years in the future. The Transportation Improvement Program is a 4-year plan of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The Unified Work Program outlines MPO tasks to be performed in the upcoming year.

The plans and programs of MATS are important to all residents in the MATS area (including LEP persons) in that the federally funded transportation services they can expect to utilize in the future are selected for implementation and funding through the MATS program. Whenever MATS develops new plans/documents, the agency actively seeks input from members of the public. MATS procedure provides a range of ways to make comments, ask questions, or make a suggestion. Language skills or interpretation is necessary for participation, consequently MATS will strive to translate the plans into other languages upon request. MATS also produces maps, charts, and tables

that aid in comprehension of its plans. These methods of visualization are less dependent on language skills, and are designed to keep LEP individuals as part of audience.

#### **Factor 4: The Resources Available to MATS and the Overall Cost to provide LEP assistance.**

There are significant resources available for LEP assistance in or in vicinity of MATS. Saginaw Valley State University's English Language Program provides cultural immersion, intensive language learning, and participation in educational system for foreign students. MATS could utilize this organization to provide any services requested by LEP individuals. Private translators exist within the MATS area as well, whose services could be utilized to provide translation or interpretation for LEP individuals. Also, various on-line translation sources for limited text translations such as Google Translate or [www.appliedlanguage.com](http://www.appliedlanguage.com) can be used for MATS plans or documents.

MATS will monitor the LEP needs within its planning area, and will strive to accommodate any LEP person on a request basis to make sure their needs are met. Funds available for LEP services would be derived from the existing federal planning grants and associated local matching funds which are utilized to conduct the current metropolitan planning program.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*, December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*" Since MATS fulfills both conditions, it will not develop a formal written LEP plan.

#### **Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four-factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be

provided orally. This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The four factor analysis MATS has conducted indicates that within MATS planning area, the LEP thresholds are not met in either volume or percentage and therefore MATS is not required to translate any vital documents into any foreign language. If requested, MATS will provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

In addition, given the budget of MATS and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for MATS to provide written/oral interpretation options as needed/requested only.

### **Notice and Action to LEP Individuals**

US DOT LEP guidance states:

*"Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand."*

The four factor analysis MATS has conducted indicates that within MATS planning area, the LEP thresholds are not met in either volume or percentage and therefore MATS is not required to translate any vital documents into any foreign language. If requested, MATS will provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

MATS will publish the LEP Review as part of the approved Title VI document on its website for public review. MATS will include a non-discrimination notice in its documents, materials, and on its website. Also, MATS staff will attend training sessions addressing services to LEP persons when they are available.

### **LEP Complaint Procedures**

Complaints of discrimination involving LEP and related statutes will all be handled using the same complaint procedures and process as outlined in the Title VI Program Complaint Procedures in this document. Questions or comments regarding the LEP issues/services should be directed to:

Title VI Coordinator  
Midland Area Transportation Study  
220 W Ellsworth St Suite 326, Midland, MI 48640  
phone: (989) 832-6333 or email: [info@midlandmpo.com](mailto:info@midlandmpo.com)

## ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the Midland Area Transportation Study in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. MATS will use U.S. Census data to identify low income and minority populations.

Impacts may be both beneficial and adverse. If an alternative/project provide a beneficial effect, then the alternative/project would cause no significant adverse effect. If an alternative/project would provide an adverse effect, the effect might be significant or the effect might be non-significant. Non-significant effect means no substantial change to an environmental component, and this has no material bearing on the decision-making process.

Significant effects require consideration of both context and intensity. Context means that the significance of an action must be analyzed in several settings such as whole (human, nation), the affected region, the affected interests and the locality. Significance varies with the setting of the proposed action, both short- and long-term effects are relevant. Intensity refers to the severity of impact.

The MATS approach to Environmental Justice is reviewed during the development of both Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP). Also, as part of the preparation of TIP and MTP, MATS evaluates proposed projects and programs as to their environmental impact prior to their implementation. In addition, as part of the planning process, MATS regularly seeks public involvement and participation to identify, discuss, and mitigate potential adverse impacts related to the environment, congestion, and other situations from projects that may concern communities directly or indirectly. More information about MATS methodology for addressing environmental justice may be found in the TIP and MTP transportation planning documents; that methodology is also summarized herein.

The impact of projects on minorities and/or low income population groups is assessed as follows:

**STEP ONE:** Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse.

Where a project impacts an insignificant number or area(s) of low income or minority populations, MATS will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document.

## Membership of Non-elected Committees and Councils

The Midland Area Transportation Study service area has no concentration of minority individuals/groups as shown in table below. That table also depicts the membership of MATS Policy Committee, broken down by race.

Body	Total	White	Black	American Indian or Alaska Native	Asian	Native Hawaiian or Pacific Islander	Other Race	Two or More Races	Hispanic or Latino (Any Race)
Population	100.00%	93.42%	1.40%	0.46%	2.29%	0.08%	0.47%	1.89%	2.65%
Policy Committee	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Midland MPO is committed to ensuring that no person is excluded from participation in membership of non-elected committees and councils on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

Membership is selected by affiliated organizations who themselves and their constituents are major users of MPO's transportation service. All affiliate organizations are Title VI compliant. MPO encourages minority participation from them. With such a small minority percentage of population, the makeup of such committees is in line with the census data. All of the announcements for membership, councils, meetings and funding requests are public notice and disseminated accordingly.

### List of Transit-Related Title VI Investigations, Complaints, and Lawsuits

There have been no transit-related Title VI investigations, complaints, or lawsuits within MATS MPO area.

## **Appendix A – Title VI Assurances for Contractors/Subcontractors (To be inserted in all Federal-Aid Contracts)**

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 nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter “DOT” Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: the Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitation for Subcontractors, including Procurement 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 procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the 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 Michigan Department of Transportation and/or the Midland Area Transportation Study, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, MATS shall impose such contract sanctions as it or the Michigan Department of Transportation may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the contractor under the contract until the contractor complies, 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 MATS or the Michigan Department of Transportation 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 directions, the contractor may request MATS to enter into such litigation to protect MATS, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Appendix B - Prohibition of Discrimination in Contracts

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.
7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

## Appendix C - Transfer of Property

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

### GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the 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 the Michigan Department of Transportation, 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 shall be binding on the Michigan Department of Transportation, its successors and assigns. The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, 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 Michigan Department of Transportation shall 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, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department 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 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 effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## Appendix D – Equity Analysis

### **Metropolitan Planning Organization Title VI Equity Analysis if the Recipient Constructs a Facility.**

MPO is not planning for a facility construction at this time, but will comply with the following requirements if facility construction is planned in the future:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

## Appendix E - Permits, Leases, and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a) and (b).

The (grantee, licensee, 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 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 Department of Transportation 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, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her 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 grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation 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 Michigan Department of Transportation 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 Michigan Department of Transportation 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.

## Appendix F - Title VI Complaint Form

This form may be used to file a complaint with the Midland Area Transportation Study (MATS) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due a physical impairment or other reasons, please contact us by phone at (989) 832-6333 or email: [info@midlandmpo.com](mailto:info@midlandmpo.com). You are not required to use this form; a letter that provides the same information is sufficient to file your complaint.

Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, and additional sixty (60) days is allotted to file the complaint after the complainant became aware of the alleged discrimination.

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

Name:

---

Street Address:

---

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

Telephone: \_\_\_\_\_ Home \_\_\_\_\_ Work \_\_\_\_\_ Fax \_\_\_\_\_

**Individual(s) discriminated against, if different from above (use additional page(s) if necessary):**

Name:

---

Street Address:

---

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

Telephone: \_\_\_\_\_ Home \_\_\_\_\_ Work \_\_\_\_\_ Fax \_\_\_\_\_

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

**Name of Agency and department or program that discriminated:**

Agency and Department Name:

---

Name of Individual (if known): \_\_\_\_\_

Address:

---



*Transportation Civil Rights Program Unit Equal Opportunity (EEO) Officer, if you experience perceived retaliation or intimidation in relation to the filing of this complaint.*

Contact Information:

Ms. Maja Bolanowska  
Director  
Midland Area Transportation Study  
220 W Ellsworth Street, Suite 326  
Midland, MI 48640  
(989) 832-6333 (w)  
Email: [info@midlandmpo.com](mailto:info@midlandmpo.com)

Mr. Orlando T. Curry  
MDOT Title VI Coordinator  
425 W. Ottawa Street  
P.O. Box 30050  
Lansing, MI 48933  
(517) 241-7462 (w)  
Email: TitleVI@michigan.gov

## Appendix G - Title VI Public Involvement Record Sheet

### Midland Area Transportation Study (MATS)

Filling out this form is **completely voluntary**. You are not required to provide the requested information in order to attend or participate in meetings.

Title VI of the Civil Rights Act of 1964 states 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 benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance."*

By filling out the information on this form, you will assist MATS in complying with its reporting obligations under Title VI. All information will be handled confidentially.

Any questions or concerns about this record sheet may be addressed to Maja Bolanowska, Director, MATS, at (989) 832-6333, or email: info@midlandmpo.com.

Meeting Type: \_\_\_\_\_ Location of Meeting: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Staff in Attendance: \_\_\_\_\_

**Please provide zip code, gender, check one race/ethnic preference, and indicate any difficulty with, or limited use of, the English language.**

	Zip Code	Male/Female	White	African American	Hispanic/Latino	Asian	Two or More Races	Native American	Other	Limited English? Yes or No
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										

**Thank you for your participation.**

## **Appendix H – Notice to the Public**

### **Metropolitan Planning Organization Title VI Notice**

The MATS Metropolitan Planning Organization is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B.

For additional information on Title VI or to file a complaint, contact:

Maja Bolanowska  
Director  
Midland Area Transportation Study  
220 W Ellsworth Street, Suite 326  
Midland, MI 48640  
(989) 832-6333  
Email: [info@midlandmpo.com](mailto:info@midlandmpo.com)  
Website: [www.midlandmpo.org](http://www.midlandmpo.org)

## Appendix I – Definitions of Terms

(As used in Title 32 of the Code of Federal Regulations, Highways, part 200.5)

**Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: 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; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of , reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.

**Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the underrepresentation of minorities and females.

**Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.

**Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved, and to express needs and goals.

**Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

**Deficiency Status:** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

**Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.

**Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

**Disproportionately High and Adverse Effect on Minority and Low-Income Populations** means an adverse effect that: is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low income population.

**Facility:** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

**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 MATS

**Low Income:** a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.

**Low-Income Populations:** Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.

**Minority:**

African American – a person having origins in any of the black racial groups of Africa.

Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent.

American Indian or Alaskan Native – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

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

**Minority Populations:** Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT 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 of the Title VI requirements.

**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 Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.

**Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this Order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other agreements 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. The term recipient does not include any ultimate beneficiary under any such program.

**Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.

**Significant Adverse Effect on Minority and Low Income Population:** An adverse effect that a) is predominantly borne by a minority population and/or a low-income population, or b) will be suffered by the minority population and/or a 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.

**State Transportation Agency:** That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to the State Transportation Agency if the context so implies.

**Sub-recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency (Cities, counties, universities, contractors, sub-contractors, and consultants).