



**OFFICE OF
PASSENGER TRANSPORTATION**

**TITLE VI
NONDISCRIMINATION PROGRAM GUIDELINES**

**As required by the
Federal Transit Administration**

September 29, 2014

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**MICHIGAN DEPARTMENT OF TRANSPORTATION
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INTRODUCTION

On October 1, 2012, the Federal Transit Administration (FTA) issued circular 4702.1B, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients” which supersedes circular 4702.1A and provides recipients and sub-recipients of FTA financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation’s (USDOT) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Order on Environmental Justice (EJ), Order 5610.2, and Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005).

The Michigan Department of Transportation (MDOT) was organized under Sections 16.450 – 16.458 of the *Michigan Compiled Laws* (sections of the Executive Organization Act of 1965), and established to provide the people of Michigan with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. MDOT has regulatory authority over transit agencies who receive funding from MDOT for transit services and activities, but is not a provider of fixed route public transportation. MDOT's transportation programs include those managed by the Office of Passenger Transportation (OPT). OPT administers MDOT's passenger transportation programs, including public transit programs, intercity bus programs; to provide a safe and balanced statewide network of passenger transportation services to meet the social, safety, and economic well-being of the state. OPT ensures that the quality and level of transportation service is provided without regard to race, color, or national origin and that there is not a disparate impact on groups protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations.

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.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February 1994, requires federal agencies to achieve Environmental Justice (EJ) as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations; see Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within

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their communities without sacrificing safety or mobility. In 1997, the USDOT issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of E.O. 12898 on EJ. Also, E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

As a recipient of federal financial assistance, MDOT must provide access to individuals with limited ability to speak, write, or understand the English language. The department must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of MDOT's 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 MDOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, , sex, disability, language, or socioeconomic status;
3. To prevent discrimination in MDOT 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 an illegal adverse impact on any person because of race, color, national origin, , sex, or disability; or on minority populations, low-income populations, limited English speaking persons, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance for all areas of the department;
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 an MDOT service, program or activity.

MDOT's mission is *"to provide the highest quality integrated transportation services for economic benefit and improved quality of life."* As the state's primary recipient of federal transportation funds, MDOT must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

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MDOT also shall ensure that sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. MDOT, as a recipient who distributes federal transportation funds, shall monitor sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, MDOT will make a good faith effort to ensure that the sub-recipient corrects any deficient agencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, limited English speaking persons, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

DISCRIMINATION UNDER TITLE VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons or groups differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination 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 department’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, facilities, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right of way, construction, and research.

MDOT has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities.

LIMITED ENGLISH PROFICIENCY

Executive Order 13166

Authority: FTA Circular 4702.1B, Chapter 3

Michigan is home to a vast array of people from many cultures who speak many different languages. Michigan’s diversity is recognized as an asset to our economy. Input from diverse communities is vital to the process of setting goals and expectations and resolving transportation issues. Differing perspectives and backgrounds enable creativity and innovation toward building a thriving economy. As a leader in transportation, MDOT is well aware that all people in the United States must have equal opportunity and equal access to programs, services, and activities that impact the quality of life of its residents and visitors to the state. MDOT recognizes Michigan’s diversity and has a major responsibility to ensure that persons who have language barriers are

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not excluded from participation in, denied the benefit of, or otherwise discriminated against when programs, services, or activities designed to improve Michigan's infrastructure affect their communities.

MDOT is committed to ensuring that persons having language barriers are made equal participants early on in the development stages and throughout the life of a program, service, or activity, and that the public, the communities we serve, are allowed to provide input into those projects or plans that may have an impact on their well-being. It is MDOT's intent to ensure fairness, equal opportunity, inclusion, and access by actively seeking input from persons who do not speak English or have difficulty communicating in English, regarding quality of life issues that directly affect them.

In accordance with *Presidential E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)*, MDOT personnel have been made aware of LEP requirements. MDOT has examined the services it provides, and has developed and implemented a system by which LEP persons can meaningfully access those services consistent with the order. (See complete MDOT LEP Plan on the MDOT Title VI Web site – <http://www.michigan.gov/titlevi>.)

In consideration of the impact of its programs, services, and activities on limited English speaking populations, MDOT uses the following method (Four Factor Analysis) to determine how to target populations to ensure inclusion in the transportation process.

Four Factor Analysis:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
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 program to people's lives; and
4. The resources available to the grantee/recipient and costs.

Based on the results of MDOT's four factor analysis, and to further ensure effectiveness of the LEP requirements, MDOT has done the following:

1. Administrators throughout the department have been advised of their responsibilities in regard to LEP.
2. Program area administrators have been advised that reasonable steps should be taken in order to ensure meaningful access to MDOT programs and activities by limited English speaking people.
3. Individuals planning public meetings understand their responsibility to review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
4. MDOT utilizes a 24 hours per day, seven days per week interpreter service. All program area and region personnel have access to an immediate interpreter of more than 100 languages. This service is available by contacting:

Bromberg & Associates

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3320 Caniff St.
Hamtramck, MI 48212
Phone: 313-871-0080
Fax: 888-225-1912
E-mail: translator@brombergtranslations.com

5. “Know Your Rights” brochure has been printed and distributed in languages other than English where necessary, including Arabic and Spanish.
6. I-Speak cards have been distributed to drivers of our Roadside Assistance Program and Welcome Centers.
7. MDOT’s LEP Plan has been developed and is posted on the MDOT Title VI internal and external Web sites. (Also see Four Factor Analysis Technical Report for Limited English Proficient Population in Michigan Department of Transportation Programs).
8. The MDOT Public Involvement Plan (PIP) is utilized to identify low-income populations, minority populations, the elderly, and persons with disabilities who also may be LEP, so they are included in the public involvement and engagement process. The PIP can be viewed on the Title VI Web site – <http://www.michigan.gov/titlevi>.

In addition to the aforementioned measures, MDOT has designated the following individuals as language resources to help facilitate communication between limited English-speaking persons, stakeholders, contractors, and project managers in the public involvement and participation process.

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MDOT LIMITED ENGLISH PROFICIENCY (LEP) VOLUNTEERS

LANGU	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN SIGN LANGU	Susan Laurin	989-754-0784, ext. 221			
AMERICAN SIGN LANGU	Brian Walsh	517-241-2735			
ARABIC	Mohammad Hammad	517-335-2032	X	X	X
ARABIC	Ghazi Musfata	517-324-2285	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
CANTONESE	Elaine Luo	517-335-2552	X	X	X
FARSI	Gisso Shams	517-241-0232	X	X	X
FRENCH	Michael Odette	248-483-5192	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
GUJARATI	Raman Patel	248-483-5123	X	X	X
HINDI	Raman Patel	248-483-5123	X	X	X
HINDI	Gian Taneja	517-322-6181	X	X	X
MANDARIN	Zhizhen Liu	269-337-3932	X	X	X
MANDARIN	Elaine Luo	517-335-2552	X	X	X
PUNJABI	Gian Taneja	517-322-6181	X	X	X
RUSSIAN	Levon Arakelov	517-241-0081	X	X	X
RUSSIAN	Ken Tiffany	517-373-2625	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Michael Odette	248-483-5192	X	X	X
TAGALOG	Angel Fandialan	517-335-2577	X	X	X
TURKISH	Michael Odette	248-483-5192	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

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PUBLIC PARTICIPATION AND PLANNING

Authority: Executive Order 12898

Authority: FTA Circular 4702.1B, Chapter 3.8 and 9; Chapter 5-3

PUBLIC OUTREACH AND INVOLVEMENT

MDOT will continually monitor projects and programs prior to implementation that may have an adverse impact on the public and communities. MDOT will continually seek public involvement and participation to identify, discuss, and mitigate potential adverse impacts related to the environment, air quality, noise levels, displacement, congestion, and other situations that may present adverse concerns to communities directly or indirectly affected by projects and programs. (See MDOT's EJ Guidance document and the MDOT PIP Pan on the MDOT Web site: <http://www.michigan.gov/titlevi>.)

MDOT's Bureau of Transportation Planning (BTP) performs analysis to ensure equal distribution of funds to sub-recipients that serve minority populations and low-income populations. The analysis performed in 2014 evaluated the funding allocation for FYs 2011, 2012, and 2013. The analysis report concluded that FTA grants allocated in Michigan are county-wide in nature and meet the federal requirements of Title VI and EO 12898 on Environmental Justice. The funding allocations address public transit needs for the provision of reliable, dependable and affordable transit services in rural and small urban areas, which is the paramount goal of the Title VI Program, as well as the E.O. 12898 directives. Maps included in the report show connections between the spatial distribution of low-income populations and the funding distribution of various FTA grants administered by the MDOT OPT for transit services throughout the state. Further information regarding spatial distribution of racial minority, low-income, elderly (65 and older), and disabled individuals whose populations in Michigan can be found in Appendix A in the report entitled "Spatial Distribution of Racial Minority, Low-Income, Elderly, and Disabled Populations in Michigan (2012)." The BTP will conduct a future analysis for the next review cycle.

The OPT has not undertaken construction projects as a direct recipient during the reporting period. Some of MDOT's sub-recipients have construction projects in the grants and they have completed the applicable National Environmental Policy Act (NEPA) requirements and received FTA's approval of environmental review documents prior to grant approval and there were no negative impacts that need mitigation.

The OPT also provides the Equipment and Facility Project Information form to our sub-recipients requesting the submittal of environmental documents, which include Categorical Exclusion worksheet, Phase I and/or Phase II site assessment reports, and State Historical Preservation application. The project and program managers assist FTA in obtaining any clarifications and/or missing information to facilitate FTA's approval of the environmental assessment documents.

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MDOT TITLE VI NONDISCRIMINATION POLICY STATEMENT

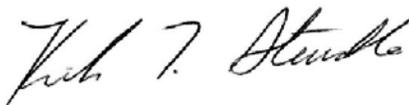
The Michigan Department of Transportation (MDOT) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. MDOT assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MDOT service, program, or activity, whether or not the program, service, or activity receives federal financial assistance. The department further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs, policies, and activities on any person, including minority populations, low-income populations, the elderly, persons with disabilities, affected Title VI populations, persons with limited English proficiency; or because of creed, religion, sex, or age.

Title VI is a condition of receipt of federal funds. In the event MDOT distributes federal funds to a sub-recipient, the sub-recipient will include Title VI assurances in all written agreements and will monitor for compliance. Assurance of compliance therefore falls under the proper authority of the recipient (MDOT), pursuant to this budgetary authority and responsibility. The director is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

MDOT will comply with all federal regulations and report complaints of discrimination to the federal agency responsible for compliance oversight including the USDOT, FHWA, FTA, Department of Justice (DOJ), and other state and federal civil rights anti-discrimination agencies as required by law. Complaints made to MDOT against its sub-recipients will be responded to and investigated by:

Cheryl J. Hudson
Michigan Department of Transportation
MDOT EEO Officer/Title VI Statewide Coordinator
425 West Ottawa
Lansing, MI 48909
517-373-0980
Hudsonc1@michigan.gov

MDOT recognizes the need for continuous Title VI training of its personnel. Managers, supervisors, and employees are responsible for individual compliance with Title VI by ensuring nondiscrimination in the course of their daily interactions with the public in the course of their duties. Notice of rights to protections and complaints procedures under Title VI will be made available to all persons, including those with Limited English Proficiency (LEP) via <http://www.michigan.gov/titlevi>).



Kirk T. Steudle, P.E., Director

October 1, 2014

Date

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STATE ASSURANCES FOR NONDISCRIMINATION

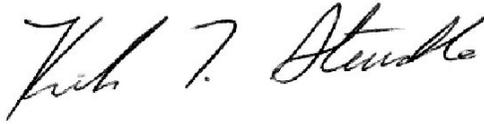
Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, The State of Michigan, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after Aug. 23, 1968, will be provided without regard to race, color, religion, sex, , or national origin.

More specifically, and without limiting the above general assurance, the Michigan Department of Transportation hereby gives the following specific assurances:

1. The MDOT will establish an equal opportunity program in furtherance of the above general assurance, which shall include a system to ascertain whether contractors and sub-contractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The MDOT will furnish such information and reports regarding contractor and sub-contractor compliance as may be requested by the FTA.
2. The MDOT transportation program shall include effective procedures to assure that discrimination on the grounds of race, color, religion, disability, sex, or national origin will not be permitted on any project and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The MDOT has appointed an Equal Opportunity Officer whose primary duty shall be to administer MDOT's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The MDOT will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable state or federal law to achieve equal employment opportunity on federal-aid highway or transit projects and will actively cooperate with the FTA in all investigations and enforcement actions undertaken by the FTA.
5. The MDOT will establish and maintain effective liaison with public and private agencies and organizations which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to labor unions, contractor associations, minority group organizations, the U.S. and State Employment Services, the U.S. and State Department of Labor.
6. The MDOT hereby agrees that it will seek the cooperation of unions, contractors, appropriate state agencies and other related organizations in the establishment of skill training programs, and will assure that all persons will have an opportunity to participate in such programs without regard to race, color, religion, disability, sex, age, or national origin.

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7. The MDOT hereby agrees that its own employment policies and practices with regard to Michigan Department of Transportation employees any part of whose compensation is reimbursed from federal funds will be without regard to race, color, religion, disability, sex, age, or national origin.
8. The MDOT shall include the advertised specifications notification of the specific equal employment opportunity responsibilities of the successful bidder as those responsibilities are currently defined and required by the FTA. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the prequalification of federal-aid contractors and sub-contractors to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance for implementation by Dec. 1, 1968.
9. The MDOT will obtain and furnish to the FTA such information and reports as may be requested to enable the FTA to determine compliance by the Michigan Department of Transportation with this assurance.



Director

October 1, 2014

Date

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REGULATORY REQUIREMENTS AND RELATED STATUTES

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. Related statutes prohibit discrimination on the basis of sex, creed, religion, or disability. MDOT, as a recipient and dispenser of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must comply with federal requirements under FTA Circular 4702.1A, 23 CFR Part 771, and 49 CFR Part 21, including related laws and regulations, as follows:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
2. Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
3. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
4. Department of Justice regulation, 28 CFR Part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted).
5. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted).
6. Joint FTA/FHWA regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (Aug.28, 1987).
7. Joint FTA/FHWA regulation, 23 CFR Part 450 and 49 CFR Part 613, "Planning Assistance and Standards" (Oct.28, 1993, unless otherwise noted).
8. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations" (April 15, 1997). FTA Circular 4703.1 - Environmental Justice Guidance for Federal Transit Administration Recipients
9. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (Dec. 14, 2005).
10. Section 13 of FTA's Master Agreement, FTA MA 17 (Oct. 1, 2013).

Pursuant to FTA Circular 4702.1B, MDOT must meet the General Requirements to be in compliance, as follows:

1. Requirement to Provide an Annual Title VI Certification and Assurance
2. Requirement to Develop Title VI Complaint Procedures

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3. Requirement to Keep a Record of Title VI Investigations, Complaints, and Lawsuits
4. Requirement to Provide Language Access
5. Requirement to Notify Beneficiaries of Protection Under Title VI
6. Requirement to Provide Additional Information Upon Request
7. Requirement to Prepare and Submit a Title VI Program
8. Guidance on Conducting EJ Analysis of Construction Projects
9. Guidance on Promoting Inclusive Public Participation

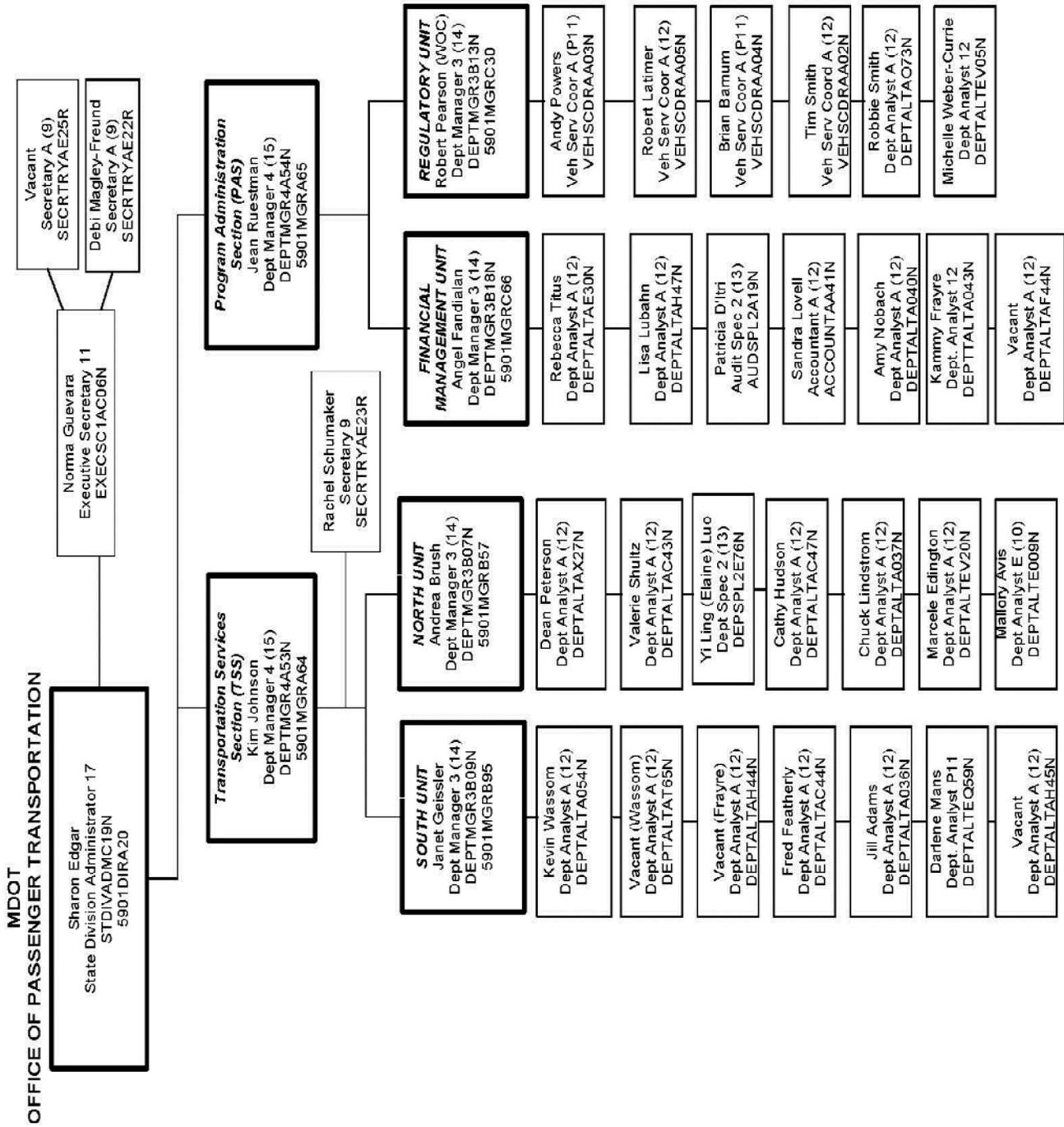
STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE

The Director of the MDOT is responsible for ensuring that all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes, including executive orders. The Director has appointed a statewide Civil Rights Program Coordinator (hereinafter referred to as the MDOT EEO Officer) and an Interdisciplinary Team for the implementation and management of the Title VI Program Plan Guidelines. The MDOT EEO Officer will provide oversight for the coordination of the day-to-day administration of the Title VI Program in conjunction with MDOT bureaus, offices, regions, and the Interdisciplinary Team. The MDOT EEO Officer and the Interdisciplinary Team shall report to the Director on all matters related to MDOT civil rights programs.

Bureau directors, office and division administrators, and region engineers have oversight of their respective program areas and are responsible for compliance with the requirements of the Title VI Program, E.O. 12898, and E.O. 13166, and related civil rights statutes. They are responsible for assuring that issues or complaints regarding Title VI and related statutes are promptly reported to the MDOT EEO Officer for appropriate action. They also are responsible for supporting the Title VI Interdisciplinary Team Coordinators in their efforts to ensure compliance with Title VI.

1. The MDOT EEO Officer and the Interdisciplinary Team are required to gather required data for reporting annual accomplishments and to provide updates to the FTA and the FHWA. All department program areas have Title VI responsibilities and MDOT must ensure that bureau and office directors, region engineers and division administrators recognize their role and responsibility in ensuring compliance.
2. Office of Passenger Transportation is charged with ensuring Title VI compliance with all of MDOT's sub-recipient transit agencies. In practice, Title VI reviews are conducted by OPT's project managers.
3. OPT's organization chart is as follows:

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PROGRAMMATIC ROLES AND RESPONSIBILITIES

The following sections describe the civil rights specific programmatic responsibilities of the MDOT Director, the Office of Passenger Transportation, and the Bureau of Transportation Planning to enforce Title VI and its related statutes.

OFFICE OF THE DIRECTOR

The MDOT Director reports to the Governor of the State of Michigan. The Director, in conjunction with the Chief Operations Officer, and the Chief Administrative Officer are responsible for ensuring compliance and implementation of the department's Title VI Plan and related civil rights statutes, directives, and regulations throughout the department. The Director has delegated the day-to-day implementation and monitoring responsibilities of the Title VI Plan and related civil rights statutes to the MDOT EEO Officer and the Interdisciplinary Team, with support and assistance from the MDOT Leadership Team, which is composed of Bureau, Region, and Office Administrators who assist the Director in matters of high level importance.

MDOT EEO Officer/Title VI Statewide Coordinator

The MDOT EEO Officer, in conjunction with the Interdisciplinary Team and the Leadership Team, provides oversight to ensure nondiscrimination in any program, service, or activity related to transportation; and to ensure that all program areas are in compliance with Title VI and related state and federal civil rights regulations. The duties of the MDOT EEO Officer, in conjunction with the Interdisciplinary Team are as follows:

1. Monitor and review department programs, policies, and activities for Title VI compliance in primary and special emphasis areas (See agency-wide Title VI Nondiscrimination Plan and Program Guidelines via the Internet and intranet at <http://www.michigan.gov/titlevi>);
2. Conduct Title VI reviews of all MDOT program areas;
3. Gather and analyze data gathered by the Interdisciplinary Team regarding Title VI impacts in bureaus, offices, and regions and produce reports as required by federal authorities, including FTA, FHWA, DOJ and USDOT, and other federal operating administrations;
4. Participate in Title VI reviews of Metropolitan Planning Organizations (MPOs) conducted by FTA/FHWA;
5. Conduct awareness training on Title VI, EJ, LEP and other related statutes for MDOT employees, and sub-recipients of federal transportation funds to identify, prevent and eliminate discrimination;
6. Prepare a yearly report of Title VI accomplishments and goals, as required by federal authorities;

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7. Update Title VI Program Guidelines as necessary to ensure maximum effectiveness and compliance;
8. Develop and maintain an internal and external Web site for dissemination of Title VI information and related statutes, directives, and regulations to the general public and, in languages other than English;
9. Draft and develop correspondence, literature, publications, and brochures for dissemination to the public, and in languages other than English based on community demographics;
10. Ensure completion and dissemination of the EJ and LEP Plans;
11. Establish procedures for promptly resolving deficiency status and reduce to writing the appropriate remedial action. Ensure deficiency status is corrected within a period not to exceed 90 days; and
12. Receive, promptly process, and resolve Title VI complaints against sub-recipients, and provide assistance to federal authorities when the complaints are against the state transportation agency.

Title VI Department Technician

The purpose of this position is assist the MDOT EEO Officer in implementing and monitoring civil rights programs in compliance with state and federal law: Title VI, EJ, LEP, Title VII, Michigan Elliott-Larsen Civil Rights Act, ADA/504 of the Rehabilitation Act, Title II and other related statutes. This position will assist in ensuring that MDOT's program areas and their functions, comply with federal mandates to prohibit discrimination in the aforementioned civil rights laws. As the assistant, this position must work in cooperation with the MDOT EEO Officer to provide oversight for monitoring, implementation, and production of reports of all program activities including, complaint investigation and reporting, training, compliance reviews of sub-recipients, organization and compilation of records and databases, interpretation of demographic information, annual reports, and other related program activities as they may arise. The incumbent will be privy to sensitive information and is expected to maintain confidentiality.

TITLE VI INTERDISCIPLINARY TEAM

In January 2002, the MDOT Director supported the implementation of the MDOT Title VI Interdisciplinary Team. The Director invited MDOT bureau directors, administrators, managers, and region engineers to attend a Title VI implementation session conducted by the FHWA, Midwestern Resource Center, and the Wisconsin DOT. As a result of the meeting, the "Title VI Interdisciplinary Team" was established. The impetus for the formulation of this team was based on guidance provided by the FHWA *"Preventing Discrimination in the Federal-Aid Program: A Systematic interdisciplinary approach."* MDOT's Title VI Interdisciplinary Team is made up of individuals designated as coordinators from each program area and region. The interdisciplinary team approach to Title VI compliance provides an opportunity for coordinators to work together to develop procedures related to Title VI compliance. This approach also helps to prevent

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the duplication of efforts and provides a forum for sharing concerns, ideas, and problem solving related Title VI compliance and impacts.

Interdisciplinary Team coordinators are responsible for monitoring whether procedures and practices within their respective areas are applied fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898 (EJ), and E.O. 13166 (LEP). The MDOT EEO Officer serves as the chair of the Interdisciplinary Team. Coordinators gather and provide data to the MDOT EEO Officer for the annual update and accomplishment required by the FTA, FHWA and FAA.

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INTERDISCIPLINARY TEAM COORDINATORS

<u>Name</u>	<u>Bureau/Office</u>	<u>Phone Number</u>
Adams, Frank	Office of Business Development	248-967-0570, ext. 212
Azam, Mohammad	Construction and Technology	517-636-0832
Becker, Phil	International Bridge Administration	906-635-5255, ext. 112
Bevins, Vince	Superior Region	906-786-1830, ext. 315
Edwards, Julie	Metro Region	248-483-5114
Furgason, Arnita	Federal Highway Administration	517-702-1853
Harden, Darrell	Southwest Region	269-337-3134
Hostetler, Lori	Office of Passenger Transportation	517-373-2907
Hudson, Cheryl	Executive Office (Chair)	517-373-0980
Langhorst, David	North Region	989-731-5090, ext.345
Kowatch, Germaine	Construction and Technology	517-322-1741
Luo, Elaine	Office of Passenger Transportation	517-335-2552
Martin, Kari	University Region Planner	517-750-0407
Mullins, Jill	Contract Services Division	517-373-1576
Noblet, Lori	Bureau of Transportation Planning (Environmental Justice)	517-335-2906
Parsons, Bob	Bureau of Transportation Planning	517-373-9534
Peterson, Brad	Design Division	517-335-1912
Redmond, Steve	Grand Region	616-451-3095
Reithel, Jay	Bay Region Planner	989-754-0878, ext. 231
Shams, Gisso	Traffic and Safety	517-241-0232
Sims, Ralph	Office of Aeronautics	517-335-9458
Walsh, Brian	Real Estate Division	517-241-2735
Watson, Karen	Maintenance Division	517-322-3306
Williams, Ola	Bureau of Transportation Planning	517-241-1237

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OFFICE OF PASSENGER TRANSPORTATION ADMINISTRATOR

The Office of Passenger Transportation (OPT) Administrator is primarily responsible for assuring that all the public transportation programs managed by OPT are implemented in accordance with Title VI. These programs include public transit programs and intercity bus program. Each program area will ensure federal funds are equitably distributed to the sub-recipients in accordance with Title VI and that all sub-recipients that receive federal funds through OPT comply with Title VI requirements.

The Administrator has appointed a Title VI Interdisciplinary Team member/coordinator to assist with this responsibility. The OPT Title VI coordinator works as a liaison between OPT and the MDOT EEO Officer, as well as between OPT and the FTA Region V Civil Rights specialist, for technical support related to Title VI requirements. The OPT Title VI coordinator also works with OPT's federal compliance review team in developing Title VI compliance checklist; assisting TSS management in sending out letters to sub-recipients that outlined the Title VI requirements, developing a Title VI Program Template (Appendix E) to be used by the sub-recipients, as well as providing technical support to sub-recipients regarding FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients to help with their understanding of the Title VI requirements. .

Sub-Recipient Monitoring

MDOT does not operate transit services. The majority of the OPT's efforts are focused on monitoring the delivery of federally funded programs by its sub-recipients, which consist primarily of local transit agencies and authorities, and intercity bus carriers. If OPT has projects selected for grant award by FTA, it will coordinate with the other areas of MDOT that administer FTA grants, and MDOT's EEO Officer, to assure compliance with FTAs Title VI monitoring guidelines. OPT has a process in place to ensure that sub-recipients are compliant with Title VI and related statutes and regulations. OPT's monitoring efforts include the following:

Coordination Plan for Specialized Services:

- Project managers review and approve this plan submitted by our sub-recipients during the annual application process. While this plan is required for sub-recipients participating in the Specialized Services Program which is a state program, most of the Section 5310 sub-recipients participate in this program and are thus required to submit this plan. The plan includes information such as the frequency of the coordination committee meetings, narratives of major accomplishments of the previous year and planning activities of the next fiscal year, as well as the sub-recipients' efforts to comply with the Title VI requirements in terms of ensuring no disparate impact on groups protected by Title VI.

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Coordination Plan for Local Bus Operating Assistance:

- This plan is required for agencies applying for operating assistance via FTA Section 5311 and State funds. The plan requires that the sub-recipients list all transit providers/purchasers in the sub-recipients' area and describe their coordination efforts with these agencies. The plan states that the organization must ensure that the level and quality of service will be provided in accordance with Title VI requirements. The project managers review and approve this plan submitted by our sub-recipients during the annual application process.

Annual Title VI Information:

- Sub-recipients are required to submit their Title VI Information Form during the annual application process in which they apply for federal financial assistance. They are required to provide response to the questions in the form (see Appendix F):

OPT project managers review the form for completeness and report to their management if unsolved lawsuits or complaints are reported and provide assistance as necessary. There have been no reported unsolved lawsuits or complaints since MDOT's last Title VI Plan submittal.

Annual Application Instructions Documents:

- MDOT OPT develops these documents and revisits them every year to reflect any updated federal requirements, as well as to improve the language and format to benefit users at all levels. Title VI requirements are stated in various places within these documents. These documents are made available to our sub-recipients in November, signifying the beginning of the annual application process. These application instruction documents can be found on the OPT's web page, at <http://www.michigan.gov/mdotptd>, under "Resources," "Applications & Forms."

OPT project managers identify potential sub-recipients through attending local meetings and public inquiries; then work with their supervisors to determine their eligibility. If the eligibility requirements are met, the project managers work with them in submitting an annual application for funding. Fillable application forms are available at the MDOT website as indicated above to help these agencies.

Title VI Program:

- OPT requires that each sub-recipients submit a Title VI Program to their OPT project managers for review and approval. In 2014 all plans were updated based on the revised Title VI regulations, 4702.1B. The project managers review the program using the Title VI Program Checklist (Appendix G) to ensure the required elements are addressed.

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OPT project manager approves the Title VI Program if all the elements are properly included. If the Program does not meet the requirements, the project manager will suggest improvements until the requirements are met. After the Program is approved both by the sub-recipient's board and the project manager, it is kept on file with the OPT for monitoring purposes. Both internal and external procedures are available at our website to assist with this process.

Triennial Federal Compliance Review:

- OPT project managers conduct triennial, on-site federal compliance reviews on the sub-recipients and Title VI review is one of the review areas. The Title VI review is conducted using the Title VI Compliance Checklist (Appendix H).

If an agency is found to be deficient, the project manager recommends improvements or requires a corrective action plan from the agencies, depending on the level of findings.

Reporting

The OPT reports its Title VI activities on a triennial basis, or as requested, to the FTA. OPT will require their sub-recipients to report any significant Title VI related complaints to their OPT project managers in a timely manner which will in turn be reported to the MDOT EEO Officer and FTA.

Program Administration (FTA Circular 4702.1B, Chapter 5-4):

- a. A record of funding requests received from subrecipients:

During the annual application process, OPT receive funding requests in the annual applications from private non-profit organizations, State or local governmental authorities, and Indian tribes. OPT's project managers review these funding requests and determine their eligibility based on the criteria included in the annual application instructions documents. The related records are included both within the online system, Public Transportation Management System and are kept as paper copies according to the record retention schedule

- b. Competitive selection process or annual program of projects submitted to FTA, emphasizing the method used to ensure the equitable distribution of funds:

MDOT's BTP performs analysis to ensure equal distribution of funds to sub-recipients that serve minority populations and low-income populations.

As indicated in OPT's annual application instructions documents, MDOT will consider equitable distribution of funds in accordance with Title VI when selecting projects for funding. The agencies are required to submit an updated coordination plan under the annual application process to document their effort of engaging in outreach to diverse stakeholders and to ensure equitable distribution of funds. OPT project managers work directly with all agencies to enhance and implement service coordination.

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Each contract, public notice for annual application, bid document, and proposal contains language pertaining to Title VI. This is documented in OPT's State Management Plan.

c. A description of the agency's criteria for selecting entities to participate in an FTA grant program:

All local public transportation projects are evaluated by OPT based upon four primary objectives:

1. Eligibility under Act 51.
2. Adequacy of service to seniors and individuals with disabilities.
3. Reasonableness of existing and proposed level of service to the general public.
4. Level of local coordination.
5. Adequate transportation to work or job-related services.

Selection criteria for operating and capital projects, as well as program specific criteria and priorities, are outlined in the annual application instruction documents and OPT's State Management Plan.

BUREAU OF TRANSPORTATION PLANNING

The BTP is primarily responsible for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. The Bureau Director will appoint a Title VI interdisciplinary team member/ coordinator to assist with this responsibility. This process requires consideration of social, economic, and environmental effects of a proposed plan or program on identified groups to avoid biased programs. The Team Coordinator also monitors the transportation planning activities of the various MPOs to ensure consistency with Title VI compliance requirements. The elements to be monitored include the following:

Monitoring

1. The overall strategies and goals of the transportation process are to ensure Title VI compliance by monitoring the utilization of demographic information to identify minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations and examine distributions of the benefits/burdens of the transportation plans and activities of these groups;
2. The service equities of the planning data collection and analysis for impacts on different socio-economic groups;
3. The public involvement processes to improve performance and take action to reduce participation barriers for minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
4. EJ (E.O. 12898) issues to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations that may be impacted by transportation planning programs;

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5. Compliance with E.O. 13166, LEP, to improve access and understanding of transportation planning processes for those persons in the population who have language barriers in speaking, writing, and understanding English;
6. Transportation planning accomplishments and problem areas.
7. Work with MDOT and local units of governments to provide training on Americans with Disabilities Act (ADA) requirements and specifications within the public rights of way. This training is offered as a service to enhance planning and facility design for all pedestrians. It is not offered every year but is dependent on both interest and available funds. The ADA courses align with the staff's responsibility as the Pedestrian & Bicycle Coordinator for the department;
8. Monitor transportation-related legislation and policy development for effects on minority populations, tribal nations, low-income populations, persons with disabilities, all interested persons and affected Title VI populations as well as other considerations;
9. Record and track which carpool parking lots currently provide handicapped spaces using the Intermodal Management System. All new carpool lots, plus lots that are resurfaced, are required to include at least two van accessible handicapped spots, with appropriate signs and markings. This requirement is described in the MDOT Road Design Manual; and
10. Provide additional training on bicycle or pedestrian facilities to both MDOT employees and local communities. Over the past several years, policy staff has made a concerted effort to offer these trainings to economically distressed communities who often do not have the resources to otherwise obtain this type of specialized training.

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Annual Review

The following information in the BTP will be reviewed and provided in an annual report submitted to the MDOT EEO Officer at the end of the fiscal year:

1. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations in the public outreach effort, and public outreach efforts made to utilize media targeted at these groups;
2. Methods to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations are considered in the decision making process;
3. Number of public information meetings/open houses that were held including percentages of female and minority participation;
4. Efforts made to take EJ concerns into consideration in the transportation process;
5. Title VI complaints received regarding transportation planning or public involvement process;
6. An annual summary of ADA training, including locations and attendees, can be provided upon request;
7. Issues identified through this analysis will be discussed at the highest level of the department before an department position or recommendation is taken;
8. Maintain a relationship with the 12 federally recognized tribal governments in Michigan; monitor MDOT's actions for effects on tribes and coordinate with them to resolve any issues;
9. Lists of the trainings and communities served can be provided upon request; and
10. Significant accomplishments and actions planned for the ensuing year.

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TITLE VI PLAN DISTRIBUTION

The MDOT EEO Officer and OPT Interdisciplinary Team Title VI Coordinator are responsible for ensuring that the FTA-approved Title VI Plan is distributed and made available to interested parties and that it is on the MDOT intranet and Internet. The plan shall serve as the basis for awareness training for MDOT compliance. The plan shall be translated into languages other than English, including Spanish and Arabic.

Internal Distribution:

1. Bureaus, Divisions, Offices, Regions, TSCs
2. Special Emphasis areas
3. Interdisciplinary Team coordinators
4. MDOT employees via Web site access, or hard copies as requested
5. Office of Human Resources, Civil Service Commission
6. Project managers
7. Contract Selections teams

External Distribution:

1. Governor's Office
2. Legislature
3. Michigan Transportation Commission
4. FTA Civil Rights Office
5. Sub-recipients of federal aid (transit providers, cities, counties, universities, MPOs)
6. Available to the public via external Web site
7. Community Groups and Associations (advocates for persons with disabilities, Hispanic League, Urban League, etc.)
8. Native American tribal organizations
9. Contractors and consultants
10. Transportation associations (MPTA, MASSTrans, etc.)
11. Federal and state civil rights agencies
12. Union officials

Interested parties may access the Title VI Plan via the following link:

<http://www.michigan.gov/titlevi>

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ACCOMPLISHMENTS REPORT

Upon request, the MDOT EEO Officer will provide a compiled Title VI Assurance and Compliance Update to the FTA, based on all of the information gathered from all areas stipulated in the Title VI Plan. The report will include Title VI complaints and reviews made during the requested time frame.

COMPLAINT PROCEDURES

Authority: Authority: FTA Circular 4702.1B, Chapter 9

MDOT complaint procedures cover the following nondiscrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990.

Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from MDOT or any sub-recipient; and s/he believes the discrimination is based on race, color, national origin, sex, or disability, socio-economic status or geographical location.

Complaint Reporting

- a. Any person who believes that he or she, individually, or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the MDOT. A complaint also may be filed by a representative on behalf of such a person. All complaints will be referred to the MDOT EEO Officer for review and action.

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, an additional 60 days will be granted to file the complaint after the complainant became aware of the alleged discrimination.

- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the MDOT EEO Officer. If necessary, the MDOT EEO Officer will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

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- c. Within 10 days, the MDOT EEO Officer will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the FTA and USDOT.
- d. The MDOT EEO Officer will gather the following information for complaint processing and investigation:
 - i. Names, addresses, and phone numbers of the complainants
 - ii. Names and addresses of alleged discriminating officials
 - iii. Basis of complaint (i.e., race, color, national origin, sex, , disability)
 - iv. Date of alleged discriminatory act(s)
 - v. Date of complaint received by the recipient
 - vi. A statement of the complaint
 - vii. Other agencies (state, local or federal) where the complaint has been filed
 - viii. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint
- e. Within 60 days, the MDOT EEO Officer will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the State Transportation Director. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings
- f. Within 90 days of receipt of the complaint, the MDOT EEO Officer will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with USDOT, or the FTA, if they are dissatisfied with the final decision rendered by the state.

“MDOT Title VI Complaint Form 0112” and “Title VI Complaint Procedure and Investigation Guideline Form 0113” are available in English and Spanish. Complainants shall complete and sign “MDOT Complaint Consent/Release Form 0198” outlining disclosure of the complainant’s identity in accordance with state and federal law. These forms can be found in Appendix D or on the Internet.

Investigations

A complaint may be filed against the recipient, contractor, sub-contractor, consultant, or supplier for illegal discrimination under Title VI and related statutes.

Complaints against MDOT will be investigated by the FTA or other federal agency having jurisdiction. Complaints against a sub-recipient will be investigated by MDOT. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The MDOT EEO Officer will gather relevant information in a fair and impartial manner and will submit the report to the appropriate federal agency. This report will include the nature of the complaint, remedy sought, and a summary of the

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investigative findings and activities. A “MDOT Complaint Consent/Release Form 0198” shall be provided to all complainants.

The MDOT EEO Officer, in conjunction with the appropriate area, will determine the appropriate course of action, and will prepare a Statement of agency Decision reflecting the department’s final determination. The complainant and appropriate areas shall receive written notifications to the department’s decision. If the finding is adverse to the complainant, they will be advised of their avenues for appeal.

Copies of Title VI complaints and investigative reports will be forwarded to FTA, FHWA, or other federal agency having jurisdiction within 60 days of receipt and investigation of the complaint. Investigation files are confidential and will be maintained by the MDOT EEO Officer. The contents of such files may be disclosed to MDOT personnel on a need-to-know basis and in accordance with state and federal law. Files will be retained in accordance with MDOT’s records retention schedule and federal guidelines.

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.

Summary of Complaint Tracking for Reporting Period (FY 2014)

Complaints against MDOT are investigated by the federal operating administration with jurisdiction. Complaints against sub-recipients are tracked in a database maintained and monitored by the MDOT EEO Officer, Civil Rights Programs Unit.

ADA: No formal complaints were filed against MDOT during the reporting period,

Title VI: No formal complaints were filed against MDOT during the reporting period.

Title VII: No transit-related complaints were filed during the reporting period.

Lawsuits: No lawsuits have been received during the reporting period.

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GLOSSARY

1. **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 DOT programs, policies, or activities.
2. **Alternative “Clean” Fuels:** Fuels that reduce vehicle emissions. These fuels can include natural gas, ethanol, methanol, electricity, and liquefied propane gas.
3. **Applicant:** Any eligible entity or organization that submits an application for financial assistance under any FTA program.
4. **BTP:** Bureau of Transportation Planning
5. **CFR:** Code of Federal Regulations
6. **Deficient:** A condition where, after a review of a recipient's or sub-recipient's practices, and barring an adequate justification from the recipient or sub-recipient, FTA determines the entity has not followed specific provisions of this circular's required guidance and procedures.
7. **Discrimination:** Refers to any act or inaction, whether intentional or unintentional, in any program or activity of a federal-aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
8. **Disparate Impact:** Refers to facially neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient's policy or practice lacks a substantial legitimate justification.
9. **Disparate Treatment:** Actions that result in circumstances where similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, or national origin.
10. **Disproportionately High and Adverse Effect on Minority and Low-Income Populations:** An adverse effect that:
 - (1) is predominantly born by a minority population and/or a low-income population

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- (2) 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 non-minority population and/or non-low income population.

11. EJ: Environmental Justice

12. Environmental Justice Activity: An action taken by DOT, FTA, or a recipient or sub-recipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations consistent with Executive Order (E.O.) 12898 and the DOT Order 5610.2 on Environmental Justice.

13. Fixed Guideway: A public transportation facility using and occupying a separate right of way or rail for the exclusive use of public transportation and other high occupancy vehicles, or using a fixed catenary system and a right of way usable by other forms of transportation.

14. Federal Financial Assistance:

- (1) Grants and loans of federal funds;
- (2) The grant or donation of federal property and interests in property;
- (3) The detail of federal personnel;
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
- (5) Any federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

15. FTA Activity: Any program of assistance authorized by the Federal Transit Laws at 49 U.S.C. Chapter 53 or the Federal Highway Laws at Title 23 United States Code that are administered by FTA.

16. Grantee: Direct or indirect recipient of federal financial assistance from FTA.

17. LEP: Limited English Proficiency

18. Limited English Proficient (LEP) Persons: Persons for whom English is not their primary language and who have a limited ability to speak, understand, or write English. It includes people who are reported to the U.S. Census that they do not speak English well or do not speak English at all.

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

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

21. Minority Person:

- (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- (3) Black or African American populations, which refers to peoples having origins in any of the Black racial groups of Africa.
- (4) Hispanic or Latino populations, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- (5) Native Hawaiian and Other Pacific Islander, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.

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

23. National Origin: The particular nation in which a person was born, or where the person's parents or ancestors were born.

24. NEPA: National Environmental Policy Act

25. Non-compliance: An FTA determination that the recipient or sub-recipient has engaged in activities that had have the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.

26. OPT: Office of Passenger Transportation

27. Predominantly Minority Area: A geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the population of minority persons residing in that area exceeds the aver proportion of minority person's in the recipient's service area.

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- 28. Predominantly Low-Income Area:** A geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of low-income persons residing in that area exceeds the average proportion of low-income persons in the recipient's service area.
- 29. Recipient:** Any state, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit receiving federal financial assistance from FTA.
- 30. Secretary:** The Secretary of the Department of Transportation.
- 31. Service Area:** The geographic area in which a transit agency is authorized by its charter to provide service to the public or the planning area of a state Department of Transportation or Metropolitan Planning Organization.
- 32. Service Standard/Policy:** An established policy or service performance measure used by a transit provider or other recipient, or sub-recipient as a means to plan or distribute services and benefits within its service area.
- 33. Sub-recipient:** Any entity that receives FTA financial assistance as a pass-through from another entity.
- 34. Title VI Program:** A recipient's submission, provided to FTA or to the sub-recipient's direct recipient every three years, containing information in response to the requirements of circular 4702.1B.

APPENDICES

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APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE 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, , 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 sub-contracts 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, 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, , 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.

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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 also may elicit information as to the practices, policies, program, and employment statistics of each sub-contractor, 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 sub-contract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all sub-contracts and purchase orders also will state that said provisions will be binding upon each sub-contractor or supplier.

Revised June 2011

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APPENDIX B
TITLE VI ASSURANCE

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

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Sub-contracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for sub-contract work, including procurement of materials or leases of equipment, must include a notification to each potential sub-contractor or supplier of the contractor’s obligations under the 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 facilities as may be determined to be pertinent by MDOT or USDOT in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to MDOT or USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Non-compliance:** In the event of the contractor’s non-compliance with the nondiscrimination provisions of this contract, MDOT shall impose such contract sanctions as it or USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material

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and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as MDOT or USDOT 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 from a sub-contractor or supplier as a result of such direction, the contractor may request MDOT to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

Assurances that Recipients and Contractors Must Make (Excerpts from USDOT Regulation 49 CFR § 26.13)

- A. Each financial assistance agreement signed with a DOT-operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et. seq.)

- B. Each contract MDOT signs with a contractor (and each sub-contract the prime contractor signs a subcontractor) must include the following assurance:

The contractor, sub-recipient or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

(Revised Oct. 1, 2005)

APPENDIX D

Title VI Complaint Form and Complaint Procedures

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Michigan Department
of Transportation
0112 (05/11)

TITLE VI – COMPLAINT FORM

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This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (517) 373-0980 or via FAX (517) 373-8841 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

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

NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	FAX

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

NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
HOME TELEPHONE NO.	WORK TELEPHONE NO.	FAX NO.

PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE

Name of Agency and department or program that discriminated:

AGENCY AND DEPARTMENT NAME		
NAME OF INDIVIDUAL (if known)		
STREET ADDRESS		
CITY	STATE	ZIP CODE
TELEPHONE NO.	FAX NO.	

Date(s) of alleged discrimination:

DATE DISCRIMINATION BEGAN	LAST OR MOST RECENT DATE OF DISCRIMINATION
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**TITLE VI COMPLAINT PROCEDURES AND
INVESTIGATION GUIDELINES**

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Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:

- (a) 180 days after the date of the alleged act of discrimination; or
- (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant's designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant's right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

Cheryl Hudson
EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa
Lansing, MI 48933
517-373-0980
Hudsonc1@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT EEO Officer. If necessary the MDOT EEO Officer will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

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- Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT EEO Officer or another individual designated by department.
 5. Within 10 days the MDOT EEO Officer will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT EEO Officer will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tape, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If, the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of:

- *Public hearing procedures, including participation therein.*
- *The location, design, and access to a structure or facility constructed with federal financial assistance.*
- *Real estate and relocation activity.*

In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

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3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.

4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.

APPENDIX E

Title VI Program Template for Transit agency

Name of agency/Recipient:

New Requirements are Bolded Below. *All recipients must submit a Title VI Program that includes:*

- A Title VI Program statement **and the reference of [FTA C 4702.1B](#)**. *Indicate the purpose of the program and state that your Title VI Program is developed in accordance with this updated circular.*
- The Title VI Coordinator Contact Information, *list name and contact information for the Title VI Coordinator for your agency.*
Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program.
- Title VI Notice to the Public, including a list of locations where the notice is posted. *The notice should indicate your agency complies with Title VI, and inform members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted, such as in transit vehicles and administrative facilities, at stations and bus shelters, nay's brochures, on website, etc. A sample Title VI notice is in **Appendix B** of [FTA C 4702.1B](#). *Further reference: Chap. III-4, 5. Requirement to Notify Beneficiaries of Protection under Title VI.**
- Title VI Complaint Procedures and Complaint Form (i.e., instructions to the public regarding how to file a Title VI discrimination complaint). *Provide a copy of your nay's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in **Appendix C**, and a sample Title VI complaint form is in **Appendix D** of [FTA C 4702.1B](#).*
Further reference: Chap. III-5, 6. Requirement to Develop Title VI Complaint Procedures and Complaint Form.
- List of transit-related Title VI investigations, complaints, and lawsuits.** *A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission of your Title VI Plan. See **Appendix E** of [FTA C 4702.1B](#) for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.*
Further reference: Chap. III-5, 7. Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits.

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- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.**
A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituent agencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
Further reference: Chap. III-5, 8. Promoting Inclusive Public Participation.

- An updated four factor analysis based on the new census, as applicable.**
Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons. For updated census information, see <http://factfinder2.census.gov/faces/nav/jsf/ps/index.xhtml>.

- Language Assistance Plan (LAP) for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance. *After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves.* Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons; DOT LEP Guidance at <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>; FTA Title VI website at <http://www.fta.dot.gov/civilrights/12328.html>; Appendix M of **[FTA C 4702.1B](#)**.

- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.** *Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.* Further reference: Chap. III-9, 10. Minority Representation on Planning and Advisory Bodies; Appendix F of **[FTA C 4702.1B](#)**.

- A description of how the recipient monitors its subcontractors and vendors for compliance with Title VI, and a schedule of their Title VI Program submissions. *In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.*
Further reference: Chap. III-10, 12. Monitoring Subrecipients.

- A Title VI equity analysis if the recipient constructs a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. If you are not planning for a facility construction at this time, you will still need to include a**

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statement indicating that you will comply with this requirement. For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. In order to comply with the regulations:

- 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.

Further reference: Chap. III-11, 13. Determination of Site or Location of Facilities.

- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. Please submit your Title VI Program to your MDOT project manager for review and approval prior to submitting it to your approval authority.**

Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program

- All Fixed Route Transit Providers must also submit:**

- Service standards (see Appendix G of [FTA C 4702.1B](#))
 - Vehicle load for each mode. The ratio of passengers to the total number of seats on a vehicle. This should be expressed in terms of peak and off-peak times.
 - Vehicle headway for each mode. The amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service.

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Headway should be measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour).

- On time performance for each mode. *A measurement of runs completed as scheduled. agency must first define what is considered on time.*
- Service availability for each mode. *A general measure of the distribution of routes within a transit provider's service area. Such as, a percent of all residents in the service area within a one-quarter mile walk of a bus station, or the maximum distance between bus stops.*
- Service policies (see Appendix H of [FTA C 4702.1B](#))
 - Transit Amenities for each mode. *Transit amenities refer to items of comfort, convenience and safety that are available to the general riding public. Fixed route providers must set a policy to ensure equitable distribution of amenities across the system. Amenities may include, seating (i.e., benches, seats at bus stop or stations), bus shelters, provision of information (e.g., printed signs, system maps, route maps and schedule, digital arrival signs), and waste receptacles including trash and recycle containers.*
 - Vehicle Assignment for each mode. *The process by which transit vehicles are placed into service on routes throughout the transit system. Policies for vehicle assignment may be based on the of the vehicle, where would be a proxy for condition*

Further reference: Chap. IV-4, 4. Requirement to Set System-wide Standards and Policies

Name and Title

Signature

Approval Date

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APPENDIX F

Michigan Department
of Transportation
3067 (10/13)

FY 2015 TITLE VI INFORMATION

INSTRUCTIONS: Complete and save this form in PTMS

page 1 of 2

NAME OF APPLICANT (legal organization name)

All FTA funds recipients, except for urban agencies that receive all of their FTA funds directly from FTA, must submit the following information that covers the period since your last MDOT application. First-time applicants should submit information for the previous fiscal year.

1. List any active lawsuits or complaints naming the applicant that allege discrimination based on race, color or national origin **with respect to service or other transit benefits**. The list should include: the date lawsuit or complaint was filed; a summary of the allegation, and the status of the lawsuit or complaint, including whether the parties to the lawsuit have entered into a consent decree.

If none, so state.

RESPONSE:

-
2. Summarize all civil rights compliance review activities conducted **with regard to your transportation program**. The summary should include: the purpose or reason for the review; the name of the agency or organization that performed the review; the findings and recommendations of the review, and a report on the status and/or disposition of such findings and recommendations.

If none, so state.

RESPONSE:

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-
3. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?
 NO YES If yes, please provide the name and contact information for the new coordinator/EEO Officer.

-
4. Has your organization had any projects and/or service change that have Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ) impacts? Service change includes service expansion/ reduction, route and/or hour changes, etc. If yes, please complete the following items: NO YES

a. Provide a brief description of these projects/service changes.

b. What did you do to ensure that populations affected by the project and/or service change had meaningful access to and involvement in the development process?

c. What is the number or percentage of LEP or EJ populations affected by the project and/or service change?

-
5. During this reporting period, how were your employees educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?

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APPENDIX G
Title VI Program Review Checklist

New Requirements are Bolded Below. *All recipients must submit a Title VI Program that includes:*

- Name of agency/Recipient
- A Title VI Program statement **and the reference of [FTA C 4702.1B](#)**. *Indicate the purpose of the program and state that your Title VI Program is developed in accordance with this updated circular.*
- The Title VI Coordinator Contact Information. *List name and contact information for the Title VI Coordinator for your agency.*
Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program.
- Title VI Notice to the Public, including a list of locations where the notice is posted. *The notice should indicate your agency complies with Title VI, and inform members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted, such as in transit vehicles and administrative facilities, at stations and bus shelters, nay’s brochures, on website, etc. A sample Title VI notice is in **Appendix B** of [FTA C 4702.1B](#).*
Further reference: Chap. III-4, 5. Requirement to Notify Beneficiaries of Protection under Title VI.
- Title VI Complaint Procedures and Complaint Form (i.e., instructions to the public regarding how to file a Title VI discrimination complaint). *Provide a copy of your nay’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in **Appendix C**, and a sample Title VI complaint form is in **Appendix D** of [FTA C 4702.1B](#).*
Further reference: Chap. III-5, 6. Requirement to Develop Title VI Complaint Procedures and Complaint Form.
- List of transit-related Title VI investigations, complaints, and lawsuits.** *A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission of your Title VI Plan. See **Appendix E** of [FTA C 4702.1B](#) for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.*

Further reference: Chap. III-5, 7. Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits.

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- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.** *A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituent agencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*
Further reference: Chap. III-5, 8. Promoting Inclusive Public Participation.
- An updated four factor analysis based on the new census, as applicable.**
Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons. For updated census information, see <http://factfinder2.census.gov/faces/nav/jsf/ps/index.xhtml>.
- Language Assistance Plan (LAP) for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance. After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves.**
Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons; DOT LEP Guidance at <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>; FTA Title VI website at <http://www.fta.dot.gov/civilrights/12328.html>; Appendix M of **FTA C 4702.1B**.
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.** *Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.*
Further reference: Chap. III-9, 10. Minority Representation on Planning and Advisory Bodies; Appendix F of **FTA C 4702.1B**.
- A description of how the recipient monitors its subcontractors and vendors for compliance with Title VI, and a schedule of their Title VI Program submissions. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.**
Further reference: Chap. III-10, 12. Monitoring Subrecipients.

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- A Title VI equity analysis if the recipient constructs a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. If you are not planning for a facility construction at this time, you will still need to include a statement indicating that you will comply with this requirement.** *For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. In order to comply with the regulations:*

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.

Further reference: Chap. III-11, 13. Determination of Site or Location of Facilities.

- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. Please submit your Title VI Program to your MDOT project manager for review and approval prior to submitting it to your approval authority.**

Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program

- All Fixed Route Transit Providers must also submit:**

- Service standards (see Appendix G of [FTA C 4702.1B](#))

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- Vehicle load for each mode. *The ratio of passengers to the total number of seats on a vehicle. This should be expressed in terms of peak and off-peak times.*
 - Vehicle headway for each mode. *The amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Headway should be measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour).*
 - On time performance for each mode. *A measurement of runs completed as scheduled. agency must first define what is considered on time.*
 - Service availability for each mode. *A general measure of the distribution of routes within a transit provider's service area. Such as, a percent of all residents in the service area within a one-quarter mile walk of a bus station, or the maximum distance between bus stops.*
- ☐ Service policies (see Appendix H of [FTA C 4702.1B](#))
- Transit Amenities for each mode. *Transit amenities refer to items of comfort, convenience and safety that are available to the general riding public. Fixed route providers must set a policy to ensure equitable distribution of amenities across the system. Amenities may include, seating (i.e., benches, seats at bus stop or stations), bus shelters, provision of information (e.g., printed signs, system maps, route maps and schedule, digital arrival signs), and waste receptacles including trash and recycle containers.*
 - Vehicle Assignment for each mode. *The process by which transit vehicles are placed into service on routes throughout the transit system. Policies for vehicle assignment may be based on the of the vehicle, where would be a proxy for condition*

Further reference: Chap. IV-4, 4. Requirement to Set System-wide Standards and Policies

 Name of Project Manager

 Signature

 Approval Date

 Name of Supervisor

 Signature

 Approval Date

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APPENDIX H

**TITLE VI COMPLIANCE CHECKLIST
MICHIGAN DEPARTMENT OF TRANSPORTATION
OFFICE OF PASSENGER TRANSPORTATION
Title VI
Section 5311 and 5310 agencies**

Transit agency:

Date of Review:

Date Title VI Program was approved by MDOT: _____

Date Title VI Program was approved by governing board: _____

If the agency does not have an approved Title VI Program, see Appendix A.

Requirements:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

References:

Circular 4702.1B
Appendix A

Program Objectives:

This circular is to help FTA recipients:

- a. Ensure the level and quality of public transportation service is provided in a nondiscriminatory manner;
- b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

Review Items:

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the nay's website, in public areas of the nay's office(s), including the reception desk and meeting rooms, transit shelters and stations, and on transit vehicles (e.g., buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered), then the Notice should be provided in English

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and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice—“If information is needed in another language, then contact [phone number]”—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

1. Does the agency’s service area have any LEP language group that exceeds 5 percent of the service area or 1,000 persons? Y_____ N_____

If yes, does the agency provide written translations of vital documents in that/those languages(s)? Y_____ N_____

Describe any needed improvements:

2. Does the agency’s Title VI Notice to the Public include the following information?

agency Name Y___ N___

Statement that the agency operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the agency. Y_____ N_____

Information on the agency’s civil rights program, procedures to file a complaint, contact phone number (*TTY number if any*, email, agency address, and if applicable, agency website? Y___ N_____

Statement that a complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Y___ N___

Contact information requesting information in another language. Y_____ N_____

If applicable, is this information provided in another language spoken by the LEP population that meets the Safe Harbor Threshold? Y___ N___

Describe any needed improvements:

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3. Where is the Title VI information displayed?

Brochures: Y _____ N _____ N/A _____

*Facility/Headquarters (must include public areas such as reception desk, meeting room, etc.): Y _____ N _____ N/A _____

Transit Vehicles: Y _____ N _____ N/A _____

Transit Shelters and Stations: Y _____ N _____ N/A _____

*Website: Y _____ N _____ N/A _____

*Required areas.

Describe any needed improvements:

4. How does the agency ensure its sub recipients are complying with Title VI?

Describe any needed improvements:

5. Since the last review, have any of the four-factors changed that might result in an updated analysis and Language Assistance Plan (LAP)? Y___ N___

If yes, have the updated analysis and LAP been done? Y___ N___

Describe any needed improvements:

6. Since the last review, what outreach and involvement activities has the agency performed to seek out and consider the viewpoints of minority and LEP populations?

Describe any needed improvements:

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7. Do the agency's non-elected boards and committees include minority representation? Y___ N___

Since the last review, what has the agency done to encourage minority representation?

Describe any needed improvements:

8. Has the agency performed or is performing a facility construction using federal funds since the last review? *For purposes of this requirement, "facilities" are referred as vehicle storage facility, maintenance facility, operation center, etc.; they do not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process.* Y___ N___

If yes, has the agency performed a Title VI equity analysis as described in *Chap. III-11, 13. Determination of Site or Location of Facilities?* Y___ N___

If available, please provide a copy of the Title VI equity analysis document.

Describe any needed improvements:

9. Does the agency provide fixed route service? Y___ N___

If yes:

○ Do they have system-wide service standards and policies, and how do they monitor them? Y___ N___

○ When did the agency last conduct a passenger survey to collect the required demographic ridership and travel patterns? (Required at least every 5 years.) _____

Describe any needed improvements:

Project Manager: _____

Date: _____