OFFICE OF
PASSENGER TRANSPORTATION

TITLE VI

NONDISCRIMINATION PROGRAM GUIDELINES

As required by the
Federal Transit Administration

October 1st., 2020

Title VI Program
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Lansing, MI 48909

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MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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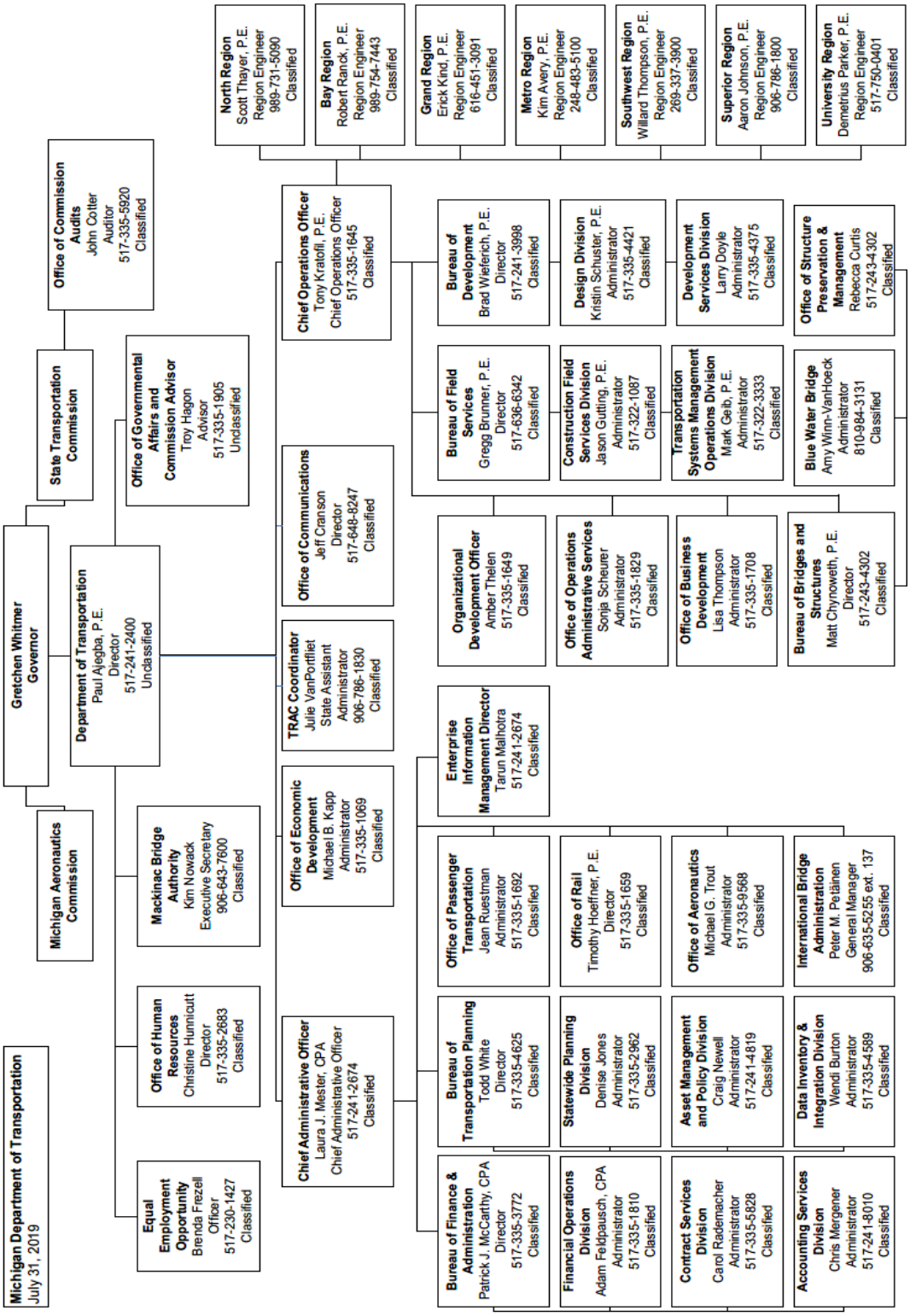


MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

INTRODUCTION

On Oct. 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 that 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 and 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, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states 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.*" The use of the word "*person*" is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a state within the United States. 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. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects that are undertaken with federal financial assistance. In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. These statutes include Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), the Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability).

In addition to statutory authorities, Executive Order (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 and low-income populations. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (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 that 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.

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 that 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 that 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 meeting 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 understands 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 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 and the communities the department serves are allowed to provide input for 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 MDOT LEP Plan at www.Michigan.gov/TitleVI.) MDOT uses the American Community Survey five-year estimates to determine potential higher need areas with regard to LEP assistance. A higher concentration of LEP individuals in a project area will influence decisions regarding outreach in languages other than English, and other potential mitigation strategies. Safe harbor thresholds are used to determine higher risk areas, and local public agencies in those areas are required to have a stand-alone LEP plan. MDOT uses EJ and LEP analysis in per-project and planning levels. A more detailed description of this analysis and the processes followed can be found in MDOT's Public Participation Plan at https://www.Michigan.gov/documents/MDOT/Public_Involvement_Hearing_Procedures_6131957.pdf.

In consideration of the impact of its programs, services, and activities on LEP populations, MDOT uses the 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 will use interpreter services, which are available 24 hours per day, seven days per week. All program area and region personnel have access to an immediate interpreter of more than 100 languages. The following service are provided by Bromberg and Associates in Hamtramck. To request available services please contact:

   Orlando T. Curry, MSA
   425 W. Ottawa
   Lansing, MI 48909
   Phone: 517-241-7462
   Email: CurryO@Michigan.gov

5. Critical information 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 MDOT's Roadside Assistance Program and Welcome Centers.

7. MDOT's complete LEP Plan has been developed and may be accessed via MDOT's Title VI website at www.Michigan.gov/TitleVI.

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 website – 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.

MDOT LIMITED ENGLISH PROFICIENCY (LEP) VOLUNTEERS

LANGUAGE	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN SIGN LANGUAGE					
ARABIC	Mohammad Hammad	517-636-0289	X	X	X
ARABIC	Ghazi Musfata	517-335-3721	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
CANTONESE	Elaine Luo	517-335-2552	X	X	X
FRENCH	Michael Odette	989-274-6589	X	X	X
FRENCH	Zak Moussa	517-241-4103	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
HINDI	Mohammad Azam	517-636-0832	X	X	X
KANNADA	Mahesha Shivalingaiah	517-241-1211	X	X	X
MALAYALAM	Smita Manjasseril	517-241-0641	X	X	X
MANDARIN	Zhizhen Liu	269-327-4499	X	X	X
MANDARIN	Elaine Luo	517-335-2552	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Maritza Amaro	269-337-3955	X	X	X
TURKISH	Michael Odette	989-274-6589	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

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 Plan on the MDOT website: 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 2020 evaluated the funding allocation for Fiscal Years 2017, 2018, and 2019. 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 I in the report entitled "Evaluating Federal Transit Administration Grant Allocations from the Michigan Department of Transportation Office of Passenger Transportation Rural and Small Urban Program to Local Transit Providers (September 2020)." 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 Facility Project Information form to 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.

MDOT TITLE VI NONDISCRIMINATION POLICY STATEMENT

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, or 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:

Orlando T. Curry, MSA
Michigan Department of Transportation
Title VI Statewide Coordinator
425 West Ottawa
Lansing, MI 48909
517-241-7462
mdot-titlevi@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.

Paul C. Ajegba, P.E.

Paul C. Ajegba, P.E.
Sep 10 2020 12:39 PM

Paul C. Ajegba, P.E., Director

Date

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, MDOT hereby gives the following specific assurances:

1. 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. 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. If discrimination exists at the time, this assurance is made that it will be corrected promptly.

3. 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. 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. MDOT will establish and maintain effective liaison with public and private agencies and organizations that 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, and the U.S. and state departments of Labor.

6. 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.

7. MDOT hereby agrees that its own employment policies and practices with regard to MDOT 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. 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. MDOT will obtain and furnish to the FTA such information and reports as may be requested to enable the FTA to determine compliance by MDOT with this assurance.

Paul C. Ajegba, P.E.

Paul C. Ajegba, P.E.
Sep 10 2020 12:39 PM

Paul C. Ajegba, P.E., Director

Date

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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. 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” (Dec. 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

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

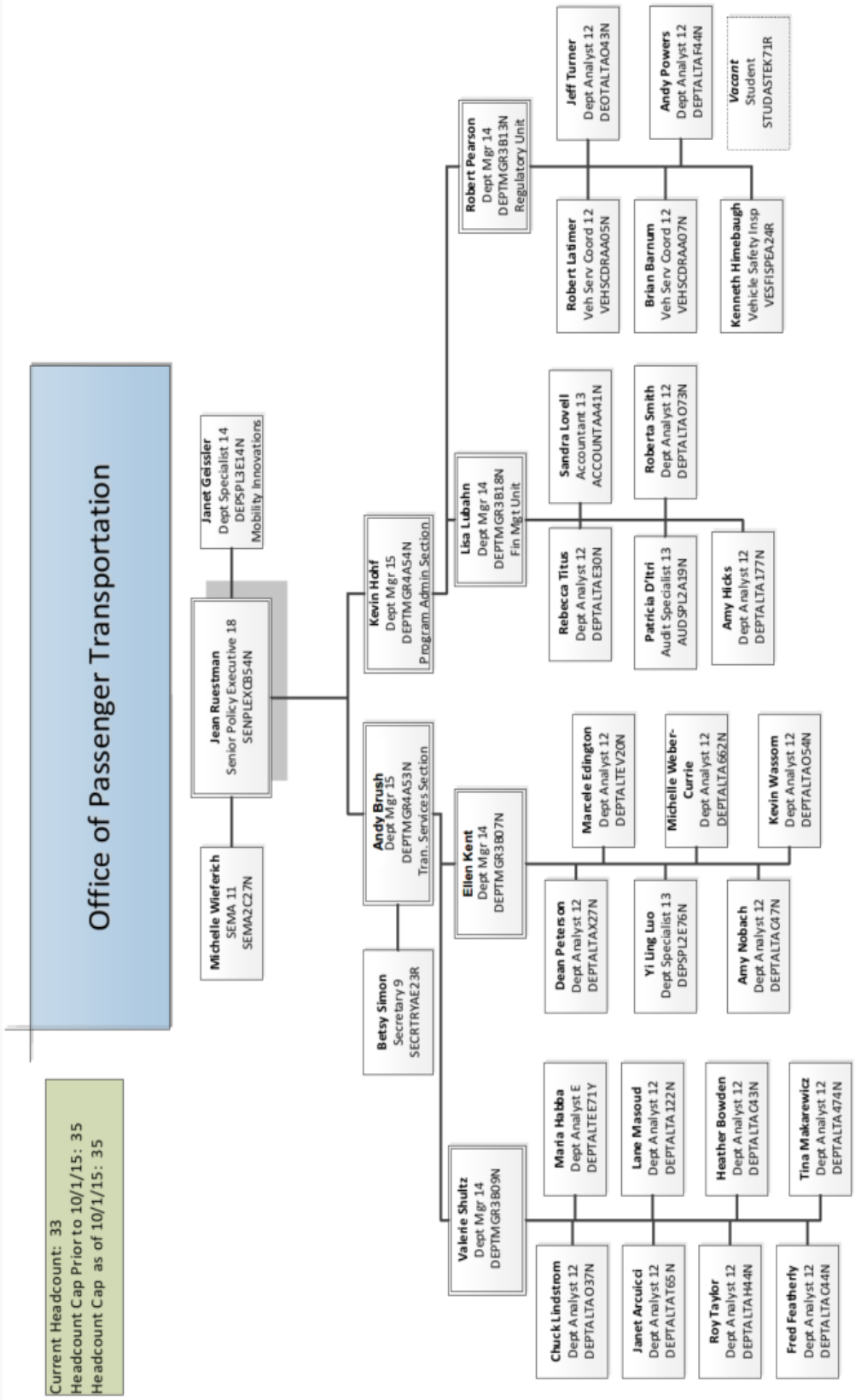
The Director of MDOT is responsible for ensuring that all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes, including executive orders. The Director has appointed a statewide Title VI Program Coordinator (hereinafter referred to as the Title VI Coordinator) and an Interdisciplinary Team for the implementation and management of the Title VI Program Plan Guidelines. The Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator 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. OPT 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:


Office of Passenger Transportation
Current Headcount: 33
Headcount Cap Prior to 10/1/15: 35
Headcount Cap as of 10/1/15: 35
Michelle Wieferich
SEMA 11
SEMA2C27N
Jean Ruestman
Senior Policy Executive 18
SENPLEXC054N
Janet Geissler
Dept Specialist 14
DEPSPL3E14N
Mobility Innovations
Betsy Simon
Secretary 9
SECRTRYAE23R
Andy Brush
Dept Mgr 15
DEPTMGR4A53N
Tran. Services Section
Kevin Hohf
Dept Mgr 15
DEPTMGR4A54N
Program Admin Section
Valerie Shultz
Dept Mgr 14
DEPTMGR3B09N
Ellen Kent
Dept Mgr 14
DEPTMGR3B07N
Lisa Lubahn
Dept Mgr 14
DEPTMGR3B18N
Fin Mgt Unit
Robert Pearson
Dept Mgr 14
DEPTMGR3B13N
Regulatory Unit
Chuck Lindstrom
Dept Analyst 12
DEPTALTA037N
Janet Arcuicci
Dept Analyst 12
DEPTALTAT65N
Roy Taylor
Dept Analyst 12
DEPTALTAH44N
Fred Featherly
Dept Analyst 12
DEPTALTAC44N
Maria Habba
Dept Analyst E
DEPTALTEE71Y
Lane Masoud
Dept Analyst 12
DEPTALTA122N
Heather Bowden
Dept Analyst 12
DEPTALTAC43N
Tina Makarewicz
Dept Analyst 12
DEPTALTA474N
Dean Peterson
Dept Analyst 12
DEPTALTAX27N
Yi Ling Luo
Dept Specialist 13
DEPSPL2E76N
Amy Nobach
Dept Analyst 12
DEPTALTAC47N
Marcele Edington
Dept Analyst 12
DEPTALTEV20N
Michelle Weber-Currie
Dept Analyst 12
DEPTALTA662N
Kevin Wassom
Dept Analyst 12
DEPTALTA054N
Rebecca Titus
Dept Analyst 12
DEPTALTAE30N
Patricia D'Itri
Audit Specialist 13
AUDSPL2A19N
Amy Hicks
Dept Analyst 12
DEPTALTA177N
Sandra Lovell
Accountant 13
ACCOUNTAA41N
Roberta Smith
Dept Analyst 12
DEPTALTA073N
Robert Latimer
Veh Serv Coord 12
VEHSCDRAA05N
Brian Barnum
Veh Serv Coord 12
VEHSCDRAA07N
Kenneth Himebaugh
Vehicle Safety Insp
VESFISPEA24R
Jeff Turner
Dept Analyst 12
DEOTALTA043N
Andy Powers
Dept Analyst 12
DEPTALTAF44N
Vacant
Student
STUDASTEK71R

PROGRAMMATIC ROLES AND RESPONSIBILITES

The following sections describe the civil rights-specific programmatic responsibilities of the MDOT Director, OPT, and BTP 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 Senior Deputy Director, Chief Operations Officer, and the Chief Administrative Officer, is 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 Title VI Coordinator 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.

CHIEF OPERATIONS OFFICER

The Chief Operations Officer reports to the Director, and is responsible for the oversight of the Bureau of Highway Development, Bureau of Field Services, region engineers, the Office of Business Development, and the Office of Operations Administrative Services in ensuring nondiscrimination in all of MDOT's programs, services, and activities.

OFFICE OF BUSINESS DEVELOPMENT ADMINISTRATOR

The Office of Business Development Administrator reports to the Chief Operations Officer and is responsible for the oversight and management of the Lansing and Detroit Business and Workforce Diversity sections, as well as ensuring compliance in MDOT's Title VI and external Americans with Disabilities (ADA) programs.

BUSINESS AND WORKFORCE DIVERSTY MANAGER

The Business and Workforce Diversity Manager reports to the Office of Business Development Administrator and is responsible for the oversight and management of the Lansing Business and Workforce Diversity section, as well as ensuring compliance in MDOT's Title VI and external ADA programs.

MDOT TITLE VI STATEWIDE COORDINATOR

The MDOT Title VI Coordinator, 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 Title VI Coordinator, 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;

7. Update Title VI Program Guidelines as necessary to ensure maximum effectiveness and compliance;

8. Develop and maintain an internal and external website 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, including 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 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 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 Title VI Coordinator serves as the chair of the Interdisciplinary Team. Coordinators gather and provide data to the MDOT Title VI Coordinator for the annual update and accomplishment required by the FTA, FHWA and FAA.

Interdisciplinary Team Coordinators

Name	Bureau/Office	Phone Number
Adamini, Jennifer	Superior Region	906-786-1830, ext. 309
Adams, Frank	Office of Business Development	313-965-2356
Azam, Mohammad	Construction Field Services	517-636-0832
Bayus, Richard	Bureau of Highway Development	517-335-4206
Belonga, Keith	Finance and Administration	517-243-3908
Bokovoy, Jeffery	Design Division	517-373-0182
Campbell, William	Design Standards	517-335-0523
Curry, Orlando	Office of Business Development	517-241-7462
Doyle-Bicy, Tonya	Office of Business Development	517-241-4424
Edwards, Julie	Metro Region	248-483-5114
Frezell, Brenda	EEO / EIO Officer	517-230-1427
Furgason, Arnita	Federal Highway Administration	517-702-1853
Grundy, Lori	Construction Field Services	517-636-0642
Lipset, Amy	Southwest Region Planner	269-337-3792
Luo, Elaine	Office of Passenger Transportation	517-335-2552
Martin, Kari	University Region Planner	517-750-0407
Monsma, Monica	Environmental Section	517-335-4381
Noblet, Lori	Bureau of Transportation Planning	517-335-2906
Peterson, Brad	Design Division	517-719-7318
Phaneuf, Heidi	Bureau of Transportation Planning	517-241-1237
Reithel, Jay	Bay Region Planner	989-621-1474
Ridge, Allecia	Bureau of Bridges and Structures	517-636-6187
Sanada, Brian	Southwest Region	269-337-3922
Sims, Ralph	Office of Aeronautics	517-335-9458
Strzalka, Larry	Contract Services Division	517-335-5843
Thayer, Scott	North Region Planner	989-731-5090
Travis, Linda	Real Estate Section	517 335-9995
Tyler, Kent	Grand Region	616-260-3814
Vanis, Teresa	Real Estate Section	517-335-4362
Watson, Karen	Maintenance Division	517-322-3306

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 the 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 Title VI Coordinator, 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 and updating the Title VI compliance checklist, assisting TSS management in sending out letters to sub-recipients that outlined the Title VI requirements, developing and updating a Title VI Program Template (Appendix E) to be used by the sub-recipients, and 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 awards by FTA, it will coordinate with the other areas of MDOT that administer FTA grants, including MDOT's Title VI Coordinator, to assure compliance with FTA's 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 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.

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 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. They report to their management if unsolved lawsuits or complaints are reported. They save the form in the applicable annual application folder. The management reviews the form and discusses with the OPT Title VI Coordinator as necessary and determines if further actions are needed. If so, management will advise the project managers to follow up with the agency for documentation on the resolution of the complaint and save in the applicable annual application folder. There have been no reported unsolved lawsuits or complaints since MDOT's last Title VI Plan submittal.

Annual Application Instructions Documents:

- 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 sub-recipients in November, signifying the beginning of the annual application process. These application instruction documents can be found on OPT's website at 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-recipient submit a Title VI Program to their OPT project manager for review and approval every three years. In 2014 all plans were updated based on the revised Title VI regulations, 4702.1B. OPT requested, via an e-mail dated May 1, 2017, to all rural and Section 5310 agencies for their updated Title VI Program submission by June 16, 2017.

OPT then requested another updated program submission in June 2020. The Compliance Analyst reviews the program using the Title VI Program Checklist (Appendix G) to ensure the required elements are addressed.

The 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 OPT for monitoring purposes. Both internal and external procedures are available at the OPT website to assist with this process.

Triennial Federal Compliance Review:

- The OPT Compliance Analyst conducts 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 Compliance Analyst recommends improvements or requires a corrective action plan from the agencies, depending on the level of findings.

Reporting

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 OPT Title VI Coordinator who will then report to MDOT Title VI Coordinator and FTA.

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

a. A record of funding requests received from sub-recipients:

During the annual application process, OPT receives funding requests in the annual applications from private nonprofit organizations, state or local governmental authorities, and Native American 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, the 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.

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;

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 ADA requirements and specifications within the public right 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 and 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 that often do not have the resources to otherwise obtain this type of specialized training.

Annual Review

The following information in the BTP will be reviewed and provided in an annual report submitted to the MDOT Title VI Coordinator 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 a department position or recommendation is taken;

8. Maintain a relationship with the 12 federally recognized Native American 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.

TITLE VI PLAN DISTRIBUTION

The MDOT Title VI Coordinator 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, and TSCs
2. Special emphasis areas
3. Interdisciplinary Team coordinators
4. MDOT employees via website 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 website
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 at www.michigan.gov/titlevi.

ACCOMPLISHMENTS REPORT

Upon request, the MDOT Title VI Coordinator 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: 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, 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 MDOT. A complaint also may be filed by a representative on behalf of such a person. All complaints will be referred to the MDOT Title VI Coordinator 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 Title VI Coordinator. If necessary, the MDOT Title VI Coordinator 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.

c. Within 10 days, the MDOT Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator 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 investigative findings and activities. A "MDOT Complaint Consent/Release Form 0198" shall be provided to all complainants.

The MDOT Title VI Coordinator, 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 the FTA, FHWA, or another 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 Title VI Coordinator. 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 2019)

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 Title VI Coordinator, Title VI Program 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.
Lawsuits:	No lawsuits have been received during the reporting period.

GLOSSARY

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects that 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, the 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

    (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 the DOT, the 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 that 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 the 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.

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 have had 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 average proportion of minority persons in the recipient's service area.

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 the 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

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.

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

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 sub-contract, including procurement of material 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 sub-contractor) 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

Michigan Department
of Transportation
0112 (12/19)

TITLE VI – COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that, "No person in the United States shall on the basis of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal financial assistance."

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, please contact us by phone at (517) 373-0980 or via FAX (517) 335-8841 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

MDOT 0112 (12/19) Page 2 of 2

Alleged discrimination:

Complaints should be filed within 180 days of the alleged discrimination. 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.

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken. (Check all that apply)

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

☐ Race: _____ ☐ Color: _____ ☐ National origin: _____

Explain:

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

SIGNATURE	DATE

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

MDOT Title VI Coordinator
Michigan Department of Transportation
425 W. Ottawa Street
Lansing, MI 48909
Phone: 517-241-7462
Fax: 517-335-0945
Email: MDOT-TitleVI@michigan.gov

Michigan Department
of Transportation
0113 (07/17)

TITLE VI COMPLAINT PROCEDURES AND INVESTIGATION GUIDELINES

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.ll(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:

   Title VI Coordinator
   Michigan Department of Transportation
   425 W. Ottawa Street
   Lansing, MI 48933
   517-241-7462
   MDOT-TitleVI@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT Title VI Coordinator. If necessary the MDOT Title VI Coordinator 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.
   - Courtesy copies of internal grievances.

4. Complaints are logged in by the MDOT Title VI Coordinator or another individual designated by department.

5. Within 10 days the MDOT Title VI Coordinator 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 Title VI Coordinator 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 Title VI Coordinator and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT Title VI Coordinator 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.

3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT Title VI Coordinator. 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, agency's brochures, on website, etc. A sample Title VI notice is in **Appendix B** of* **FTA C 4702.1B** *and attached.*
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 agency'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.

☐ **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 constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*
Further reference: Chap. III-5, 8. Promoting Inclusive Public Participation.

1.

☐ **An updated four factor analysis based on the new census, as applicable.**

2.

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/pages/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 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**)*
  - o 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 percentage 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 age of the vehicle, where age 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

SAMPLE TITLE VI NOTICE TO THE PUBLIC

(AGENCY NAME) TITLE VI NOTICE

(Agency name) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. For additional information on Title VI or to file a complaint, contact (insert contact name, agency address, phone, email and/or website).

APPENDIX F

Michigan Department
Of Transportation
3067

FY 2019 TITLE VI INFORMATION

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. Are there 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?

◯ Yes ◯ No

2.Have you had any title vi compliance review activities conducted with regard to your transportation program, including triennial compliance reviews conducted by fta and/or mdot?

◯ Yes ◯ No

3.When was your last title VI program approved by MDOT or FTA _____ **MM/DD/YYYY**

4. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?

◯ Yes ◯ No

5. 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

◯ Yes ◯ No

6. 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?

Page 1 of 1

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, agency's brochures, on website, etc. A sample Title VI notice is in **Appendix B** of* **FTA C 4702.1B** *and attached.*
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 agency'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.

☐ **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 constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*
Further reference: Chap. III-5, 8. Promoting Inclusive Public Participation.

3.

☐ **An updated four factor analysis based on the new census, as applicable.**

4.

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/pages/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 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:** **N/A**

- ❒ Service standards *(see Appendix G of* ***FTA C 4702.1B****)*
  - o 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 percentage 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 age of the vehicle, where age 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

SAMPLE TITLE VI NOTICE TO THE PUBLIC

(AGENCY NAME) TITLE VI NOTICE

[AGENCY NAME] is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. For additional information on Title VI or to file a complaint, contact [TITLE VI OFFICER] at [CONTACT INFORMATION (address, phone, email and/or website).

APPENDIX H

Attachment | Appendix A | Clear Form

Michigan Department of Transportation
1479 (05/18)

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OFFICE OF PASSENGER TRANSPORTATION
COMPLIANCE REVIEW FOR
SECTION 5310 AND 5311 TRANSIT AGENCIES

TITLE VI COMPLIANCE REVIEW CHECKLIST

TRANSIT AGENCY	DATE OF COMPLIANCE REVIEW
DATE TITLE VI PROGRAM APPROVED BY MDOT	**DATE TITLE VI PROGRAM APPROVED BY GOVERNING BOARD**

If the agency does not have an approved Title VI Program, see Appendix A (Title VI Program Template for Transit Agencies) attached to the end of this checklist.

REQUIREMENT

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. §2000d)

REFERENCES

Circular 4702.1B (http://www.fta.dot.v/documents/FTA_Title_VI_FINAL.pdf)

Appendix A (Title VI Program Template for Transit Agencies)

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 QUESTIONS

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 agency's website, in public areas of the agency'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 Provision (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 and in any other language(s) spoken by LEP populations that meet the 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 Provision.

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1. Does the agency's service area have any LEP language group that exceeds 5% of the service area or 1,000 persons? Yes ☐ No ☐

If yes, does the agency provide written translation of vital documents in that/those languages? Yes ☐ No ☐

Describe any needed improvements:

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

Agency name? Yes ☐ No ☐

Statement that the agency operates its programs and services without regard to race, color, and national origin? Yes ☐ No ☐

A description of the procedures (including agency's contact information) that members of the public should follow in order to request additional information on the agency's Title VI obligation? Yes ☐ No ☐

A description of the procedures (including the agency's contact information) that members of the public should follow in order to file a Title VI discrimination complaint against the agency? Yes ☐ No ☐

If applicable, is this information provided in another language spoken by the LEP population that meets the Safe Harbor threshold? Yes ☐ No ☐ N/A ☐

Describe any needed improvements:

3. Where is the Title VI information displayed? (Required areas denoted by *)

Brochures: Yes ☐ No ☐ N/A ☐

*** Facility/Headquarters in public areas: Yes ☐ No ☐ N/A ☐**

Transit vehicles: Yes ☐ No ☐ N/A ☐

Transit shelters/stations: Yes ☐ No ☐ N/A ☐

*** Agency website: Yes ☐ No ☐ N/A ☐**

Describe any needed improvements:

4. How does the agency ensure its subrecipients 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)? Yes ☐ No ☐

If yes, have the updated analysis and LAP been done? Yes ☐ No ☐

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:

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

Yes ☐ No ☐

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

Describe any needed improvements:

8. Has the agency performed or is currently performing a facility construction using federal funds since the last review? For purposes of this requirement, the "facilities" are referred to 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 the project development and NEPA process:

Yes ☐ No ☐

If yes, has the agency performed a Title VI equity analysis as described in Chapter III – 13, pg. Ch. III-11, Determination of Site or Location of Facilities? Yes ☐ No ☐

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

Describe any needed improvements:

9. Does the agency provide any fixed route service? Yes ☐ No ☐

If yes:

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

Yes ☐ No ☐

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:

COMPLIANCE ANALYST	DATE

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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 wit h 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, agency's brochures, on website, etc. A sample Title VI notice is in **Appendix B** of FTA C 4702.1B and attached.*
  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 agency'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.

- ☐ **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 constituencies 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/pages/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.*
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☐ 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 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. 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 percentage 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 age of the vehicle, where age 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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TITLE VI NOTICE TO PUBLIC

[AGENCY NAME] is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. For additional information on Title VI or to file a complaint, contact [TITLE VI OFFICER] at [CONTACT INFORMATION (address, phone, email and/or website).

APPENDIX I

EVALUATING FEDERAL TRANSIT ADMINISTRATION GRANT ALLOCATIONS FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION OFFICE OF PASSENGER TRANSPORTATION RURAL AND SMALL URBAN PROGRAM TO LOCAL TRANSIT PROVIDERS

September 2020

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EVALUATING FEDERAL TRANSIT ADMINISTRATION GRANT ALLOCATIONS FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION OFFICE OF PASSENGER TRANSPORTATION TO LOCAL TRANSIT PROVIDERS

I. Introduction

This report serves to demonstrate Michigan Department of Transportation's (MDOT's) Federal Transit Administration (FTA) grants administered by the Office of Passenger Transportation (OPT) to local transit providers for rural and small urban areas are in compliance with Environmental Justice (EJ) requirements stated in Executive Order 12898 (EO 12898) of 1994 and Title VI requirements. Title VI is an Act of Congress (in the landmark Civil Rights Act of 1964, as further specified in 42 U.S.C. §2000d) that prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Title VI of the Civil Rights Act of 1964 and EO 12898 of 1994 are similar actions of government geared to equitably distribute federal funding, empower communities and to control the disparate (be it health, physical, social, and economic) impact of Federally funded projects in minority and low-income population areas, and in communities of elderly (65 years of age and older) and disabled persons.

For this evaluation, Minority represents those populations whose ethnic background includes:

- Black or African American (a person having origins in any of the Black racial groups of Africa;
- Hispanic or Latino (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);
- American Indian or Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition); and
- Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

Low-Income represents those populations whose economic background includes:

- Income over the past 12 months that has been below the poverty level
- Persons over the age of 65; and
- Living in an occupied housing unit with no vehicle(s) available.

This report solely focuses on those transit-related funding activities administered by MDOT in the rural areas of Michigan with a population less than 50,000 for Fiscal Years (FY) 2017 to 2019. There

are 21 urbanized areas[1] (population 50,000 or greater) in Michigan and they receive funds directly from the FTA and may not be included in this report. This report presents statistical information that supports the fact that Michigan has equitably distributed funds to comply with Title VI requirements of 1964 and EJ EO 12898 of 1994. Urbanized areas in Michigan over 50,000 have environmental justice and Title VI compliance evaluated by the Metropolitan Planning Organization (MPO) as part of their transportation planning process in their Transportation Improvement Program (TIP) and Long-Range Transportation Plan (LRTP) documents.

This report documents the process used by OPT to assure Title VI and EJ requirements are being properly implemented.

II. Methodology

Two data sources were used to create this evaluation. The first source was from the OPT, who provided FY 2017 to 2019 FTA funding data from executed contracts between MDOT and its subrecipients. As stated earlier, funds that are passed directly from FTA to urban transit agencies (so-called "urbanized funds") were not identified and included in this evaluation. The second source was from the U.S. Census, where the most recent demographic data (2015) was collected to determine minority, low-income, elderly, and disabled populations.

To develop EJ analysis maps, MDOT utilized a statistical method called the Location Quotient (LQ). The LQ is an economic base statistical technique used in calculating and comparing the shared distribution of a local economy to another referenced base economy. In this case, the LQ calculates the share of minority, low-income, elderly, and disabled persons at the Census Tract level to that share of people at the state level.

The statistical notation for LQ is:

$$\mathbf{LQ_i} = \frac{\frac{x_i}{n_i}}{\frac{x}{n}} \text{ or } \frac{x_i}{x} \times \frac{n_i}{n}$$

Whereas,

LQ_i = Location Quotient for the local economy
x_i = Total number of EJ identified population groups for a local economy
n_i = Total population for the economy
x = Total number of EJ identified population groups for a reference economy
n = Total population for a reference economy

The LQ theory attempts to show if a local economy has a greater share than is expected compared to the given economy. The average of the local economy is compared against the average of the

[1] This total includes those portions of the Toledo (OH), Michigan City-La Porte (IN), and Elkhart (IN) urbanized areas that fall within the State of Michigan.

larger, given economy. The LQ method marks that extra contribution of such local economy as the additional contribution that such local economy contributed. Hence, a local economy having a LQ greater than one (LQ > 1.00) is recognized as an EJ zone within the state. Using the U.S. Census Bureau demographic data and the LQ as the statistical formula, a thematic map was generated showing the geographic locations of EJ population groups as specified in EO 12898 of 1994 (using Census Tract data).

The OPT program of projects were used to assist with this analysis. These data sets were used to develop another schematic map that shows how much funding is allocated throughout the state on a county-level basis.

The goal of this methodology is to comparatively assess these schematic maps to see if:

- FTA funds are being allocated in accordance with the programs regulations and if those programs support Title VI requirements;
- FTA funds meet EJ requirements and justify the equity requirement of the federal directives; and
- Verify that the programs are meeting the vision, mission, and goals of FTA programs.

It is expected that after overlaying the two thematic maps, a pattern of distribution will show "how" and "where" FTA funds are disbursed and if such patterns support the concern for Title VI directives. The "how" part of this process is answered through a quick definition and statistical review of some of the programs funded in Michigan's counties. The "where" is answered with the map overlays in the second part of this evaluation.

The map overlays will present aggregated data – that is, the summation of all funding programs in Michigan at each county and by fiscal year. Since this analysis will be showing distributive trends of FTA dollars in the last three fiscal years, the evaluation is capable of identifying future program shortfalls, connectivity gaps, and needs that can positively shape the vision, mission, and goals for implementing transit funding programs in Michigan.

III. "How" FTA Funds are Allocated in Michigan by Individual Programs

The "how" portion of this evaluation is divided into two broad FTA funding categories: operating assistance and capital assistance. FTA operating assistance is money used to run or operate public transportation purchased with capital funding. Most operating assistance for public transportation goes to pay employee salaries and benefits. Additional assistance can be used for fuel, insurance, maintenance, and utilities. FTA capital assistance is money set aside to build or purchase public transportation items such as buses, equipment, maintenance and administration buildings and bus shelters.

In Michigan, FTA operating and capital assistance is allocated through the following formula grant programs:

- Section 5339 Bus and Bus Related Equipment and Facilities Program
- Section 5339 Bus and Bus Related Equipment and Facilities Competitive Program
- FY 2016 Section 5310 (FAST) Pilot Program Enhanced Mobility Competitive Program

- Section 70 Ferry Boat Formula Program
- FTA Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities
- FTA Section 5311 Formula Grants for Other Than Urbanized Areas Program
- State Operating Assistance (Local Bus Operating)
- State Specialized Service

Below is a brief explanation of each of these programs.

FTA Section 5339 Bus and Bus Facilities Program

The formula Section 5339 capital program provides funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. MDOT received approximately $1.7 million for rural agencies in FY 2017, $3.5 million in FY 2018, and $3.5 million in 2019. These funds were used primarily for bus replacement.

The FAST Act includes a new competitive program under Section 5339 that allows FTA to make grants to states and transit agencies for bus and bus facility capital projects. The competitive allocation provides funding for major improvements to bus transit systems that would not be achievable through formula allocations. MDOT received a total amount of $3,6 million in FY 2017 and $14 million in FY 2018 through competitive proposals process, of which approximately $2.2 million was allocated to rural agencies for vehicle replacements in FY 2017 and $9.5 million was allocated to rural transit agencies in FY 2018. These funds were used primarily for bus replacement.

Section 5310 (FAST) Pilot Program Enhanced Mobility Competitive Program

MDOT received $1 million to expand a brokerage-based program only available in certain parts of the state to a statewide model. The program manages and delivers non-emergency medical transportation for older adults, people with low incomes, and people with disabilities, ensuring they have access to non-emergency healthcare. The coordination software records trips reserved by county in each region based on trip types, procedures, and clinic visits. Local health centers integrate the software and refer clients to the service. The funds were obligated in FY2017.

Section 70 Ferry Boat Formula Program

The FAST Act continues the Ferry Boat Program (FBP), which funds the construction of ferry boats and ferry terminal facilities. However, the FAST Act modifies that formula, giving greater weight to the number of passengers carried by ferry systems. MDOT obligated approximately $1.5 million in FY 2017, $2 millions in FY 2018, and 0.8 million in FY 2019 for three Ferry Boat Service Agencies for vessel construction, upgrades, and dock improvements.

FTA Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities

The Enhanced Mobility of Seniors & Individuals with Disabilities Program provides formula funding to states to assist private nonprofit groups in meeting the transportation needs of the seniors (age 65 and over) and persons with disabilities where public mass transportation services are

otherwise unavailable, insufficient or unequipped to handle their needs. The goal of Section 5310 is to provide financial assistance for capital and operating projects that are public transportation projects planned, designed, and carried out to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available giving them access to health care, shopping, education, recreation, public and social services, and employment..

Funding for this program supports traditional and nontraditional 5310 projects. Traditional projects include the purchase of replacement and expansion vehicles , wheelchair lifts, ramps and securements, transit-related information technology systems, including scheduling/routing/one-call systems, mobility management programs and acquisition of transportation services under contracts, lease, or other arrangement.

Nontraditional Section 5310 include: travel training, volunteer driver program, building an accessible pedestrian signals or other accessible features, improving signage or way-finding technology, incremental cost of providing same day service or door-to-door service, purchasing vehicles to support new accessible taxi, rides sharing and/or vanpooling programs and mobility management.

Additionally, funds can be used for projects that exceed the requirements of the ADA; improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and for alternatives to public transportation that assist seniors and individual with disabilities.

FTA Section 5311 Formula Grants for Rural Areas Program

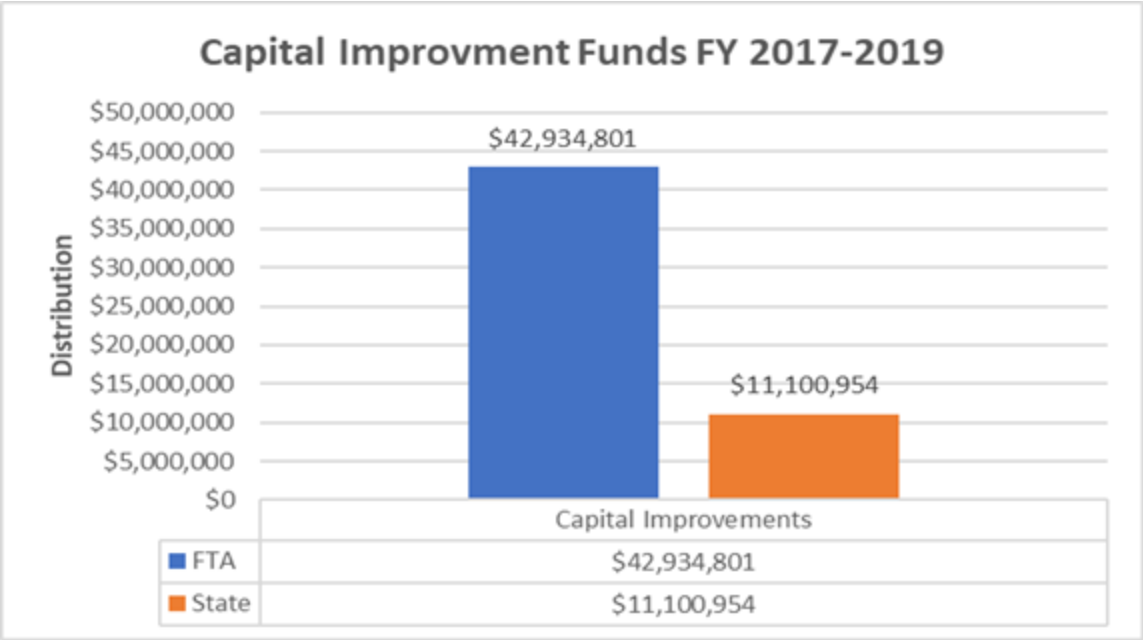
The Formula Grants for Rural Areas Program is formula based and provides funding to states for supporting public transportation in rural areas, with population of less than 50,000. The goal of the program is to provide the following services to communities with population less than 50,000:

- Enhance the access of people in rural areas to health care, shopping, education, employment, public services, and recreation;
- Assist in the maintenance, development, improvement, and use of public transportation systems in rural areas;
- Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services;
- Assist in the development and support of intercity bus transportation; and
- Provide for the participation of private transportation providers in rural transportation.

Section 5311 funds may be used for capital, operating, and administrative expenses for public transportation projects that meet the needs of rural communities. MDOT commits 85 percent of all Section 5311 funds to eligible rural public transportation agencies allowing them to provide much needed services to their clients, which includes minority and low-income populations. The remaining 15 percent of the funds are granted to operators of intercity bus services.

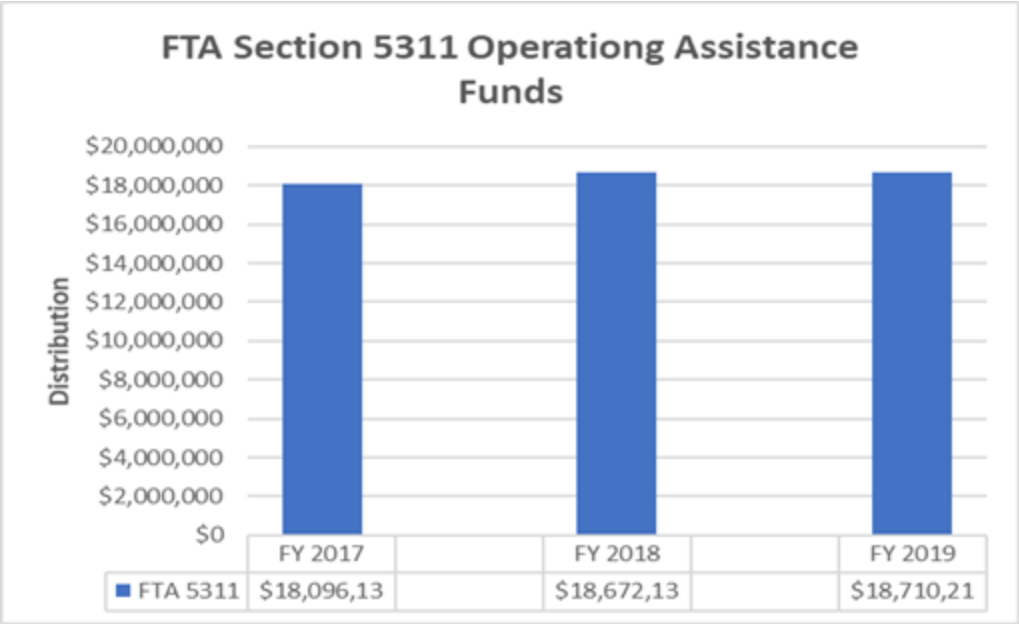
The following charts on the following pages show the distribution of FTA funds for capital improvements and operating assistance to rural agencies, operating assistance for specialized services in all counties and federal Section 5311 and state operating assistance to agencies that receive both. These are funds that were distributed for fiscal years 2017 – 2019.

Figure 1: Capital Improvement Funds to Rural Agencies –



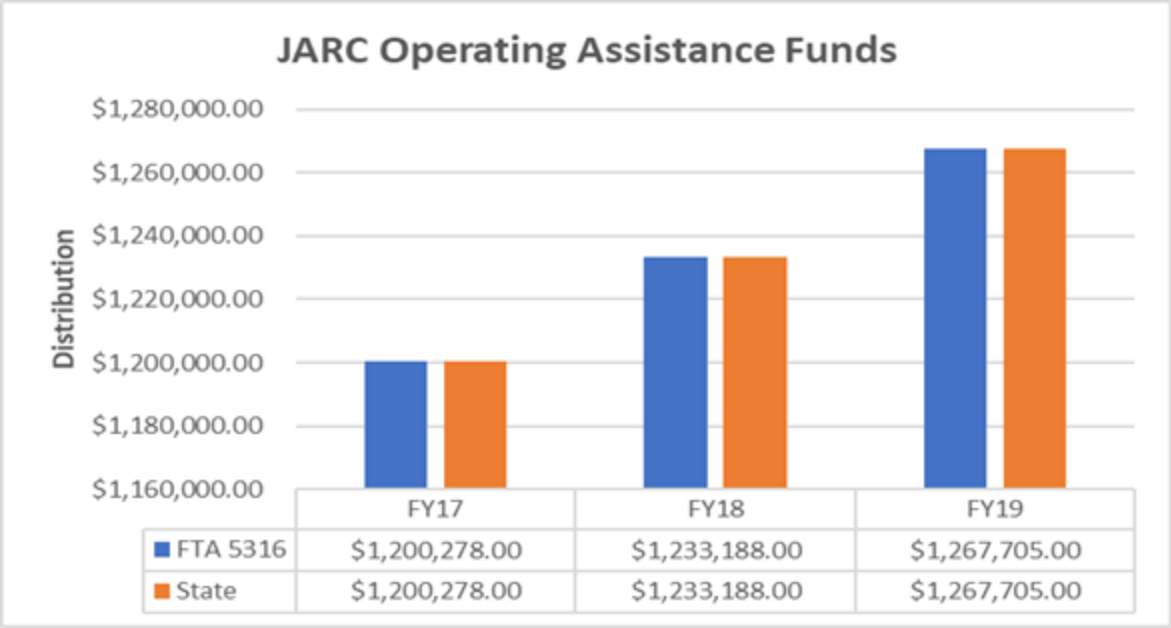
From 2017 to 2019, a total of $42,934,801 was allocated from FTA to rural agencies in Michigan for capital improvements. The State of Michigan contributed $11,100,954 to capital improvement projects during this same time for a total of $54,035,757 in capital improvement investments.

Figure 2: FTA Section 5311 Operating Assistance –



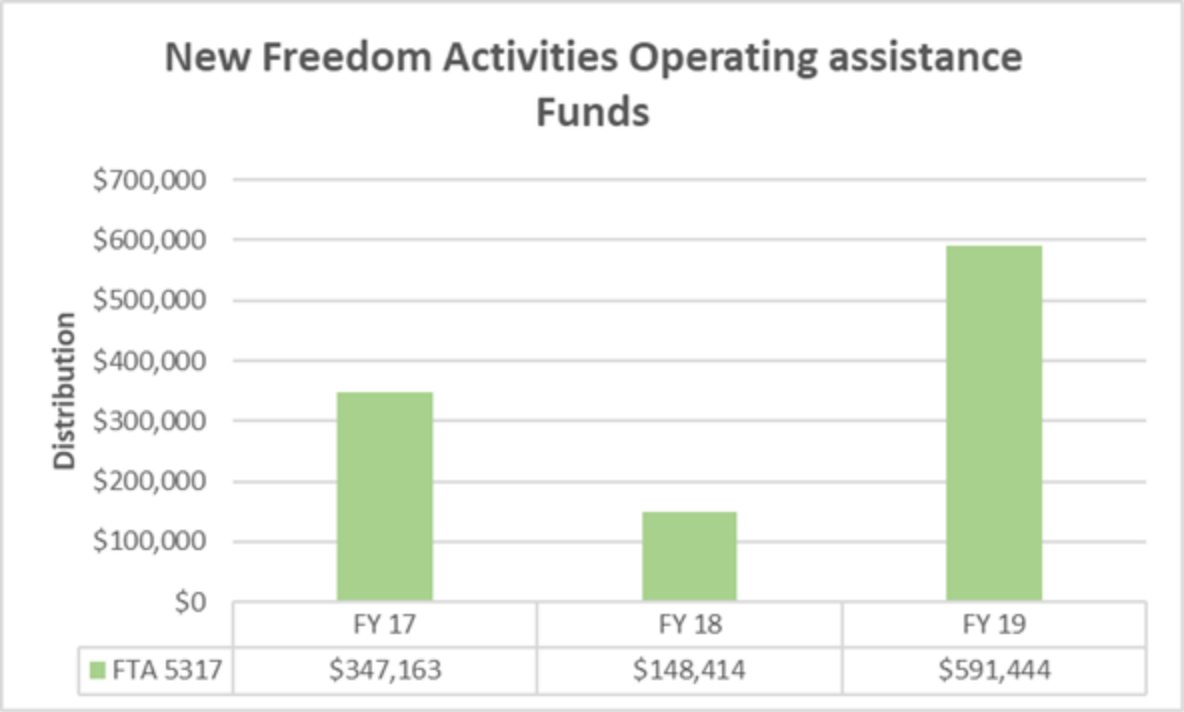
Total FTA 5311 funds from FY 2017 – 2019 allocated totaled $55,478,483.

Figure3: JARC Operating Assistance for Rural Areas –



Total Job Access Reverse Commute Program (JARC) funds from FY 2017 – 2019 allocated to Michigan rural communities totaled $3,701,170. The State of Michigan contributed $ 3,701,171 matching the federal funds dollar for dollar.

Figure 4: New Freedom Activities Operating Assistance funds to Rural Areas 2017 – 2019



Total FTA funds for New Freedom activities from FY 2017 – 2019 allocated to Michigan rural communities totaled $1,086,021.

State Operating Assistance to Rural and Small Urban Communities

MDOT also provides state operating assistance to each public agency. The funds are an annual legislative appropriation to the Comprehensive Transportation Fund (CTF). The agencies are provided a percentage of their eligible operating expenses.

MDOT also provides state funds for specialized service. Specialized services are designed primarily for seniors and individuals with disabilities to supplement regular services. These services are developed by locals. The MDOT funds are a small part of the total funding. Reimbursement is paid by miles or per one-way unlinked passenger trip. Funds may be used to provide or purchase service and/or lease vehicles to provide service. MDOT provides funding to 37 specialized services agencies, but many of these agencies subcontract with smaller agencies that provide the transportation services.

Figure 5: MDOT Operating Assistance (Local Bus Operating) for agencies that receive FTA Section 5311 and LBO

From FY 2017 – 2019 MDOT provided a total of $565,250,000 from the CTF for Local Bus Operating (LBO) to rural agencies and agencies that receive both 5311 and LBO.

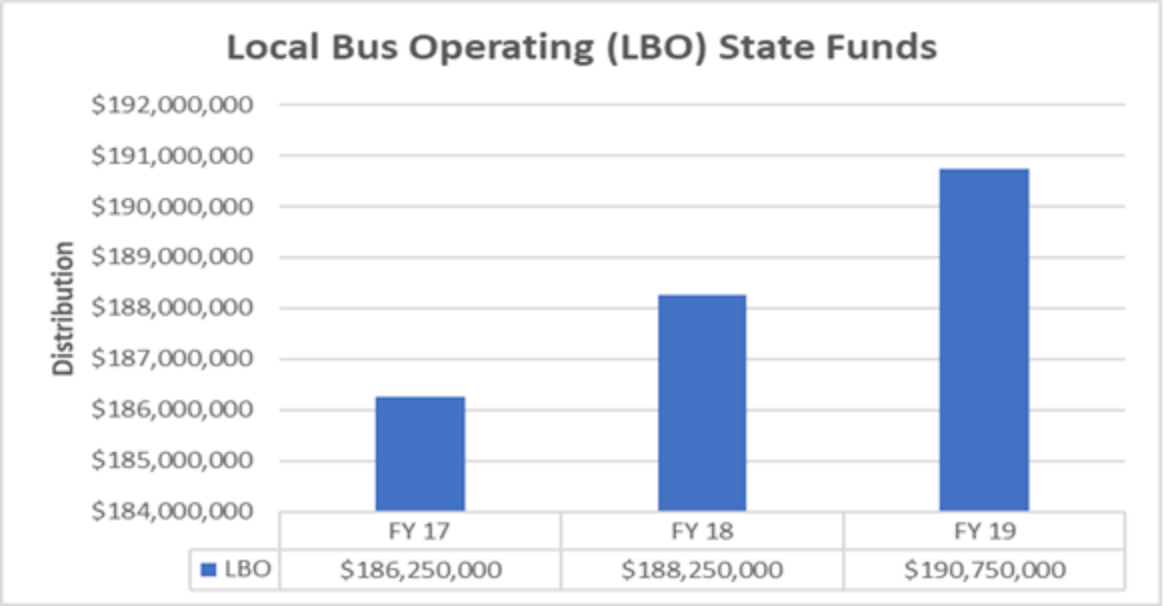
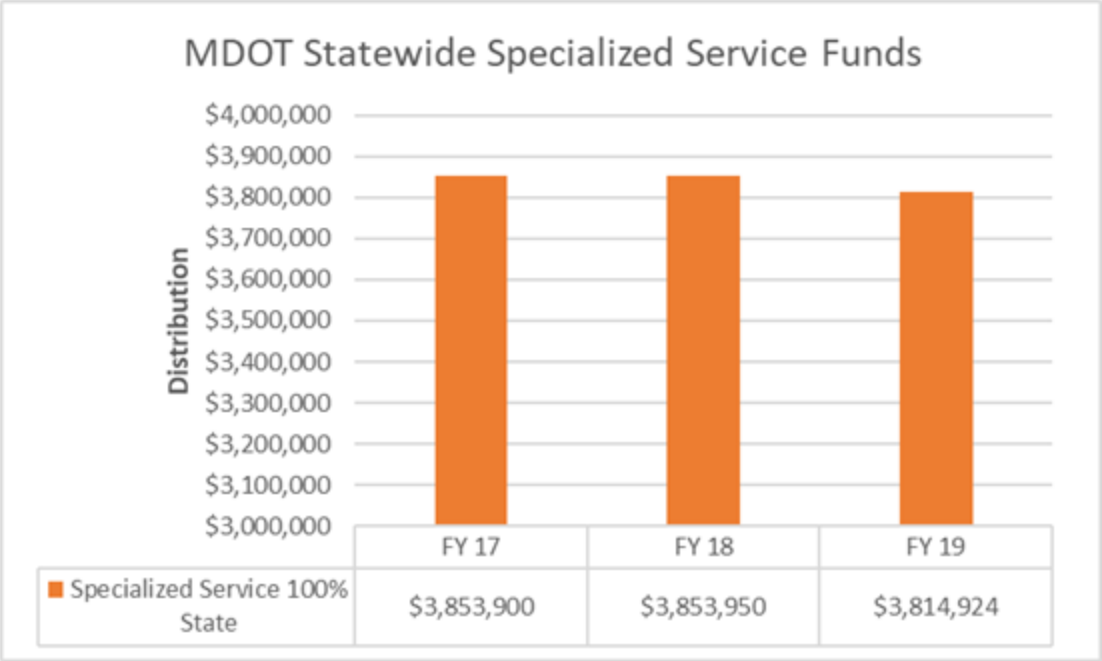


Figure 6: MDOT Statewide Specialized Services funds



From FY 2017 – 2019 MDOT provided a total of $11,522,774 from the CTF for Specialized Service Operating (SSO) in Michigan.

Specialized Service 100% state

FY17: $3,853,900
FY18: $3,853,950
FY19: $3,814,924

Additional FTA and MDOT Transit Funds
The State of Michigan also provided $51,077,095 for Ferry Boat Services to ferry boat providers in Michigan during FY 2017 – 2019.

This concludes the first aspect of the test to determine how Federal and State funds are allocated in accordance with Federal regulations. This shows how the Federal and State programs support the reliable, dependable, and affordable transit services in compliance with Title VI and EJ requirements.
Further information regarding spatial distribution of racial minority, low-income, elderly (age 65 and older), and disabled persons who populations in Michigan can be found in Appendix A.

"Where" FTA Funds are Allocated in Michigan

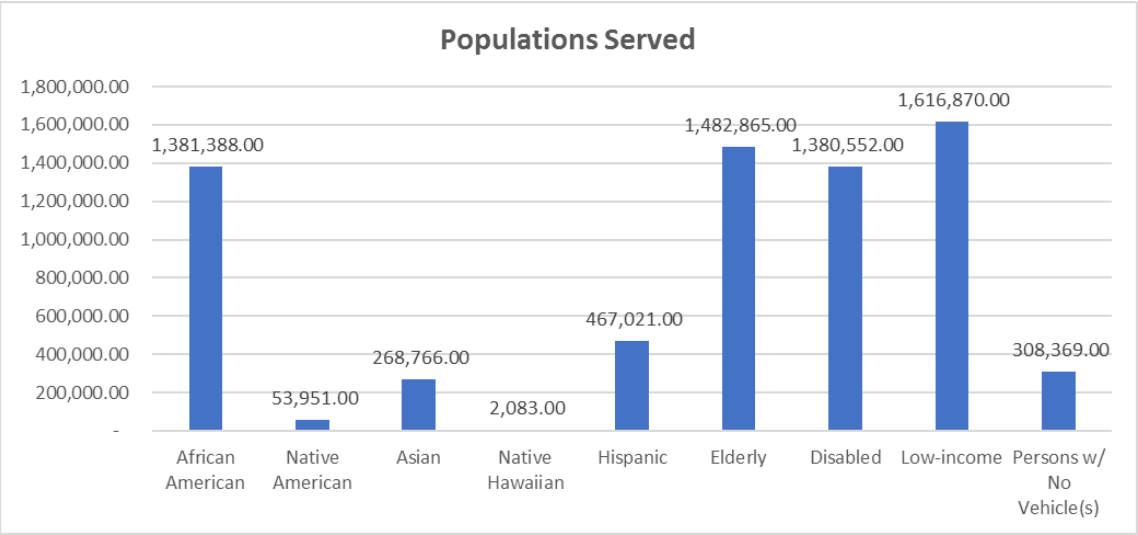
The Michigan Department of Transportation (MDOT) is committed to providing reliable, dependable, and affordable transportation options for low-income and minority populations satisfy Title VI and EO 12898 requirements. Thus, based on the two data sources mentioned on page 1 and using the LQ statistical technique, the evaluation findings show an average of:

- 99 percent of the total Black or African American population in Michigan lives in an EJ identified Census Tract. The geographic location for this population group is mostly in the concentrated metropolitan and small urban areas.
- 99 percent of the total American Indian and Alaskan Native population in Michigan lives in an EJ identified Census Tract. The geographic location for this population group is mostly in sparsely populated rural northern and upper-peninsula areas.
- 98 percent of the total Asian population in Michigan lives in an EJ identified Census Tract. The geographic location for this population group is most in the concentrated metropolitan and small urban areas.
- 100 percent of the total Native Hawaiian or Other Pacific Islander population in Michigan lives in an EJ identified Census Tract. The geographic local for this population group is mostly in the concentrated metropolitan and small urban areas.
- 96 percent of the total Hispanic or Latino population in Michigan lives in an EJ identified Census Tract. The geographic location for this population group is mostly in the concentrated metropolitan and small urban areas of the lower half of the state.
- 94 percent of the total elderly (age 65 and older) population in Michigan lives in an EJ identified Census Tract.
- 95 percent of the total disabled population in Michigan lives in an EJ identified Census Tract.
- 92 percent of the total persons whose income in the past 12 months was below the poverty level) population in Michigan lives in an EJ identified Census Tract.
- 98 percent of the total persons living in occupied housing units with no vehicle(s) available in Michigan lives in an EJ identified Census Tract.

Thus, based on the U.S. Census (2015) and the LQ statistical method employed, the population served by FTA grants allocated across Michigan rural and small urban areas show that approximately 1.38 million Blacks or African Americans; 53,900 American Indians or Alaskan Natives; 268,700 Asians; 2,000 Native Hawaiians or Other Pacific Islanders; and 467,000 Hispanics or Latinos living

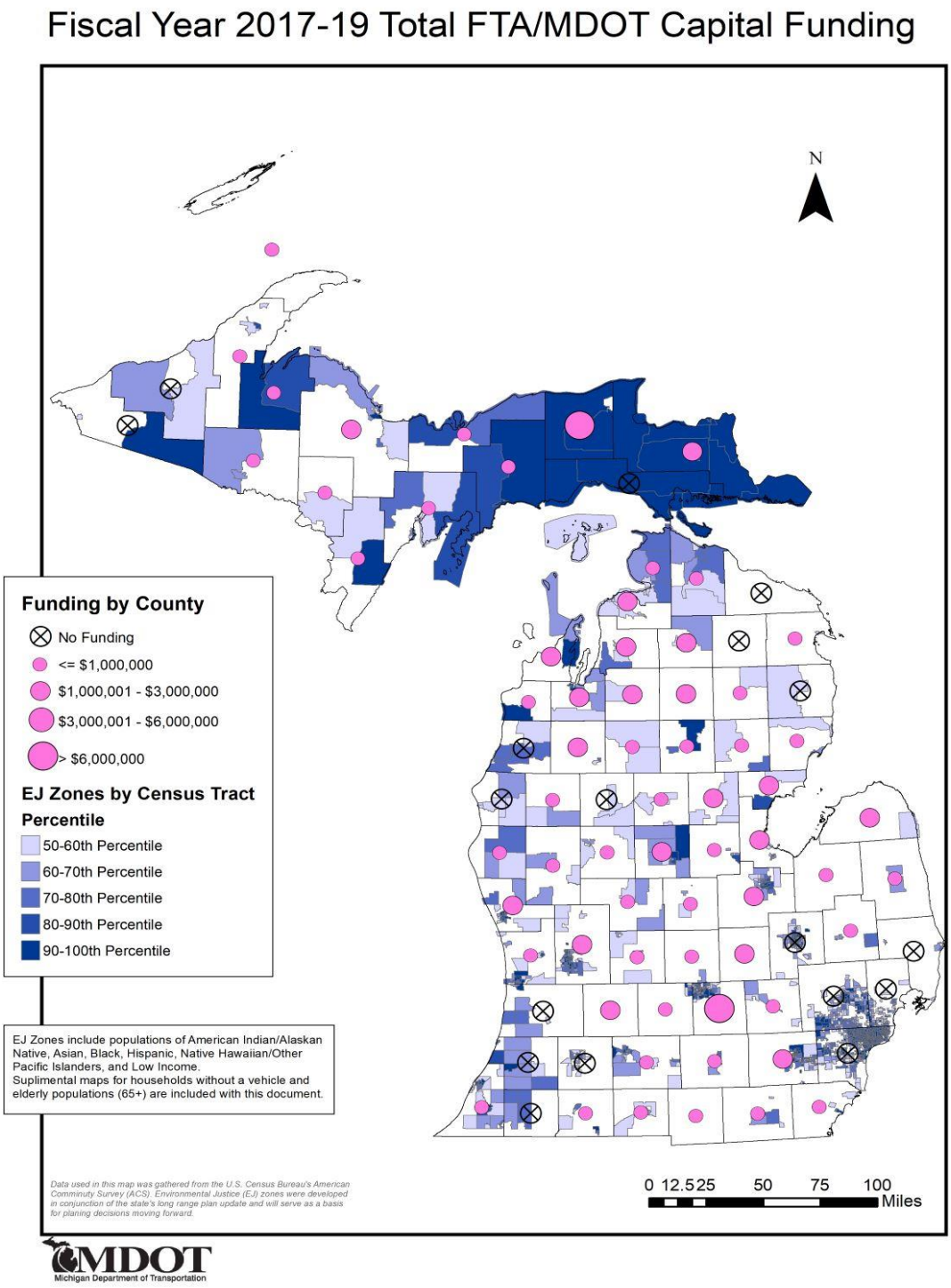
in identified Census Tracts are being provided transit services. In addition, approximately 1.48 million elderly (age 65 and older); 1.38 million disabled; 1.61 million low-income (income in past 12 months below poverty level); and 308,000 persons living in occupied housing units with no vehicle(s) available are being provided transit services. The FTA grants allocated touches the lives of not only these groups but also all citizens living in these Michigan areas.

Figure 7: Populations Served by Transit Services in Michigan

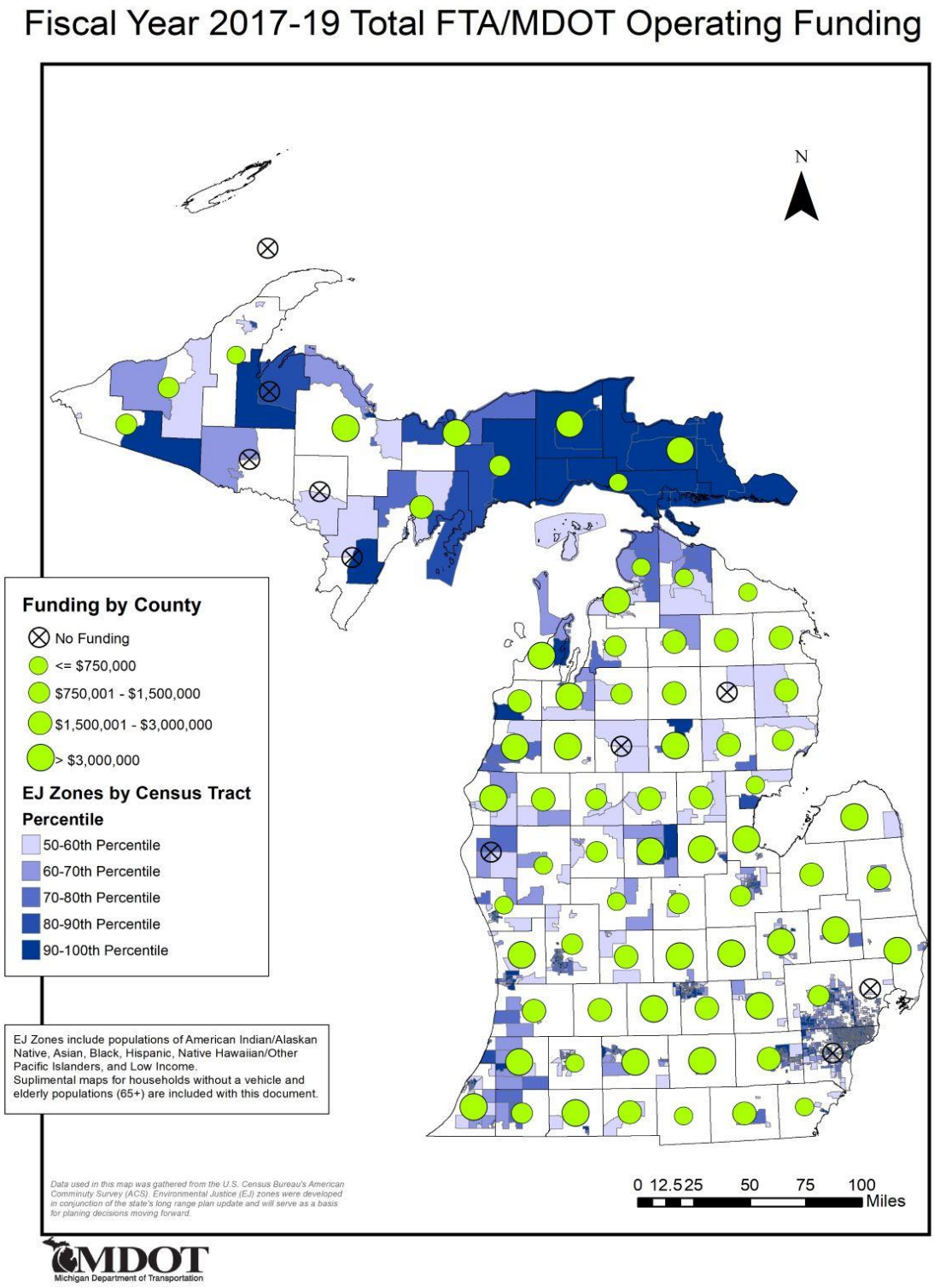


Maps 1 through 5 below show the distribution of FTA grants to Michigan rural and small urban areas in FY 2017 – 2019

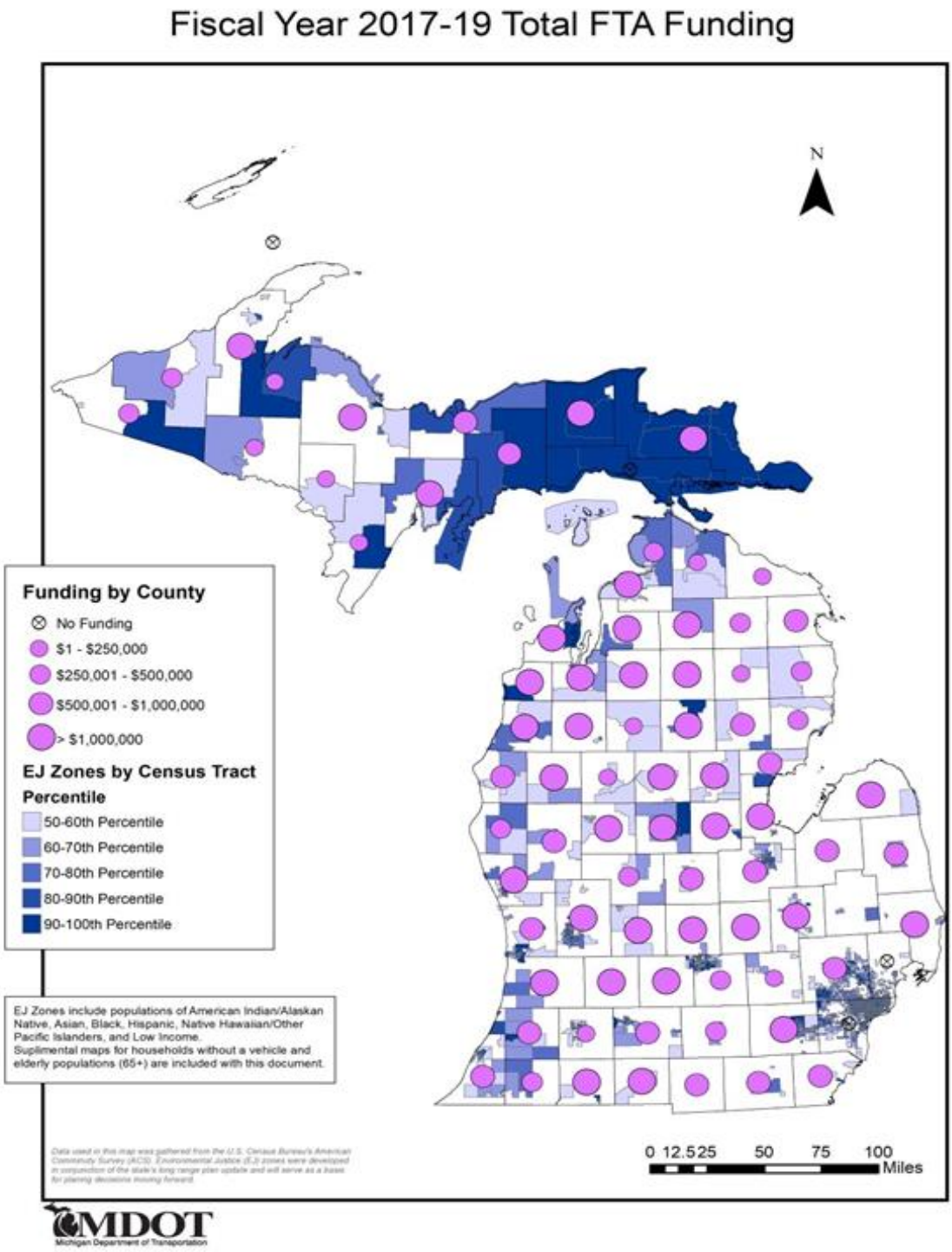
Map 1: FY 2017 -2019 Capital Assistance Funding by County



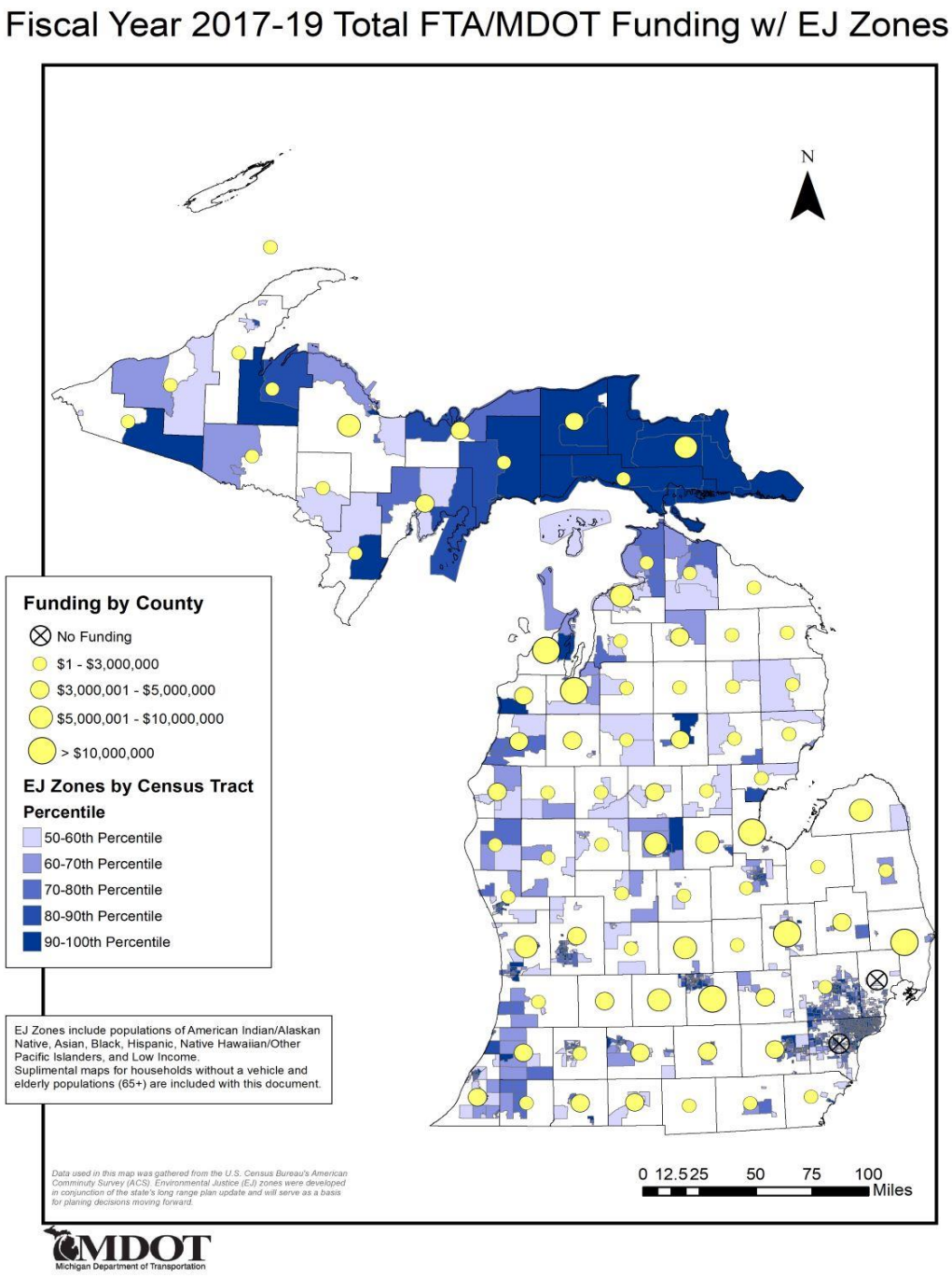
Map 2: FY 2017 -2019 Operating Assistance Funding by County



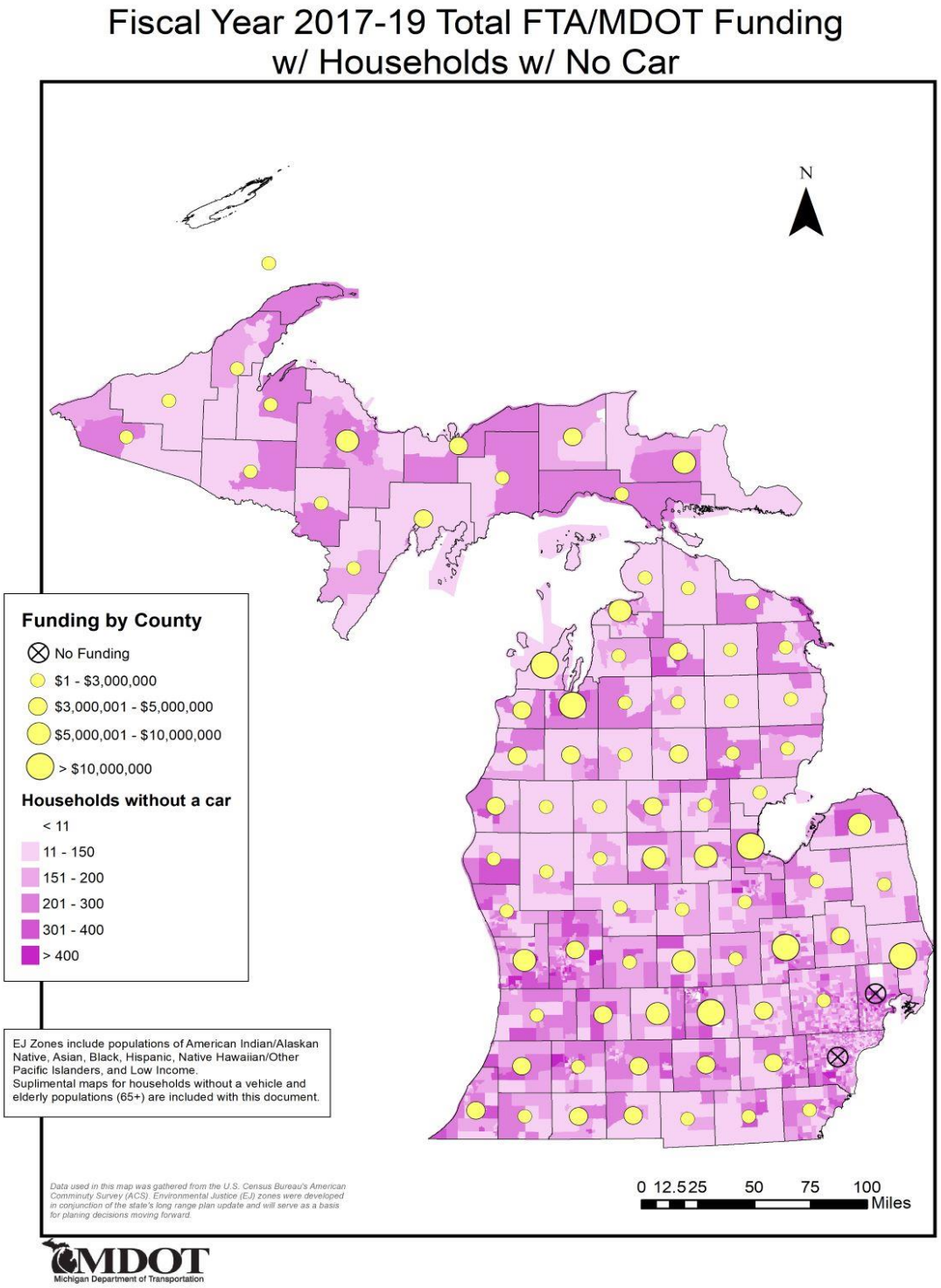
Map 3: FY 2017 -2019 Total FTA Funding by County



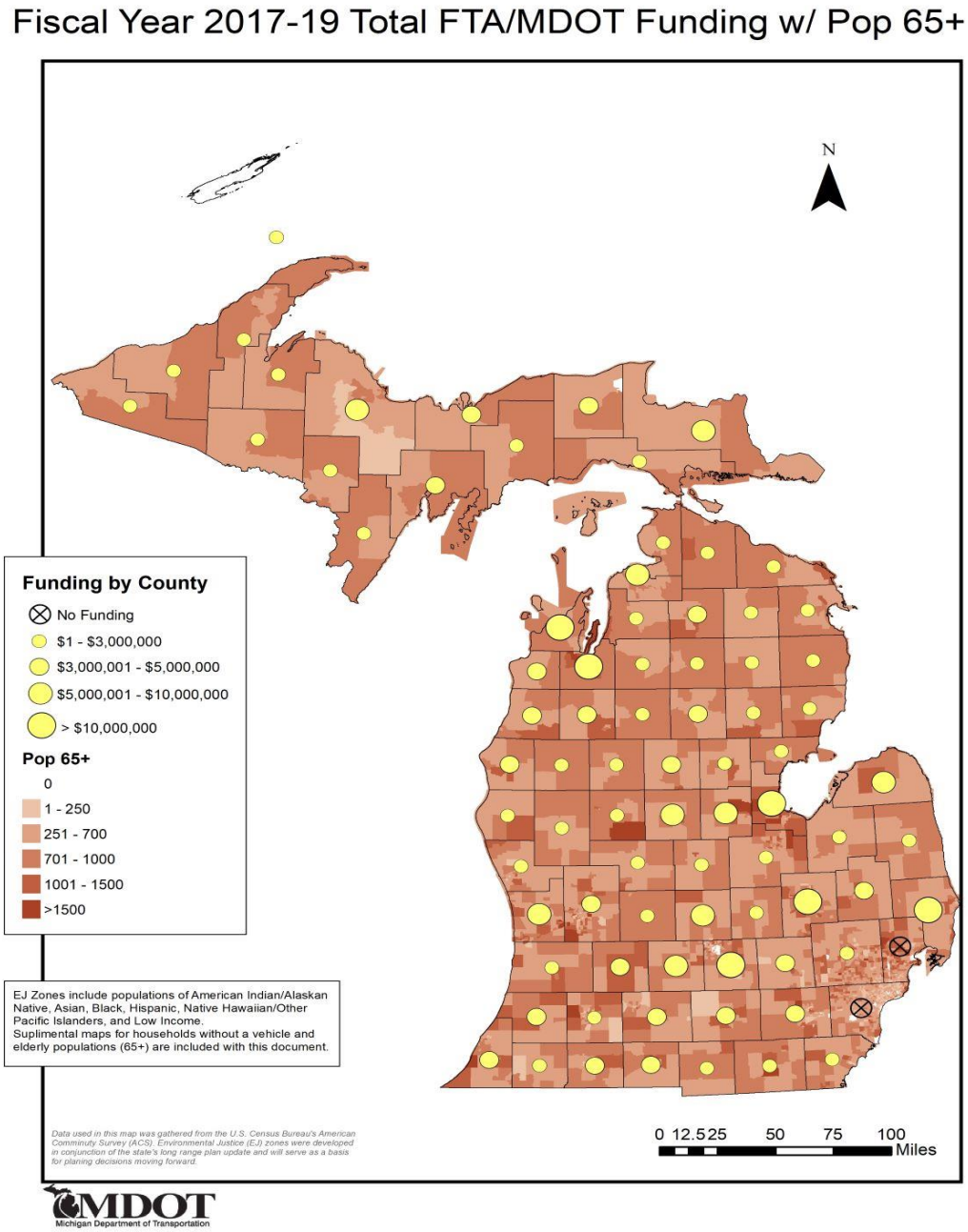
Map 4: FY 2017 – 2019 Total FTA/MDOT Funding with Environmental Justice Zones



Map 5: FY 2017 – 2019 Total FTA/MDOT Funding with Household with No Car



Map 6: FY 2017 – 2019 Total FTA/MDOT Funding with Population 65+



➢ Conclusion

Considering the goals set out in this evaluation, it can be reasonably 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 these rural and small urban areas which is the paramount goal of Title VI, as well as EO 12898 directives.

Future Trends

Several on-going discussions at the Federal and State level will shape the future of the transportation delivery system. It will be necessary to watch for some of the following nationwide trends over the next several years.

New Technology

Wheels to Work Program

Wheels to Work includes the development and deployment of a mobile app to allow ride hailing-like operation of Hope Network's accessible vehicles. It would allow self-scheduling and more on-demand service. The app development is complete, and implementation has begun. Staff has been trained in the systems and software. Hope Network was prepared to launch a test in March 2020 with users from three local employers but that has been put on hold due to the COVID-19 pandemic. Once that rollout can be completed, full implementation will take place, followed by data collection and review. That may lead to software revisions. A final report will be completed at the end of the project.

Driverless Delivery Driverless Delivery

An autonomous lead robot and self-powered trailer that can deliver food, prescriptions, and services such as telemedicine to people who are homebound. Units will be controlled by remote operators. This project is complete. Bedestrian completed the build of their B1 and B2 autonomous delivery vehicles and the grant funding was fully expended. The vehicles were to be used to gather excess food from various buildings at the University of Michigan (U-M) and deliver it to community organizations feeding underserved communities. The project was to be tested at U-M but testing was suspended after the first day due to the university closure for the COVID-19 pandemic. Bedestrian, the city of Ann Arbor and U-M planned to continue to pursue deployment of this food distribution but the COVID-19 outbreak and its impact on the future of in-person university meal programs and cafeterias has created a significant barrier to planning regarding that specific use case. Bedestrian, through its relationship developed with Aramark at U-M during this pilot, is exploring alternative innovations, including use cases for contactless food delivery (e.g., mobile vending) at the university and other facilities served by Aramark.

DDOT/SMART NoLo Battery Electric Buses and Associated Infrastructure

DDOT purchased up to two 40-foot battery electric buses. The awarded will support the purchase and installation of related charging infrastructure located on route and in a terminal. The project will introduce battery-electric revenue vehicles to DDOT's fleet and service area, allowing the transit agencies to understand the capital and operational impacts of this technology, and to develop a strategy for electric vehicles moving forward. Electric vehicles can help to reduce air pollutants and noise pollutions.

SMART purchased replacement buses. The service expansion helped to address the overall transportation needs for the communities by increasing the number of buses that run and the frequency in which passengers will be picked up.