



**OFFICE OF
PASSENGER TRANSPORTATION**

**TITLE VI
NONDISCRIMINATION PROGRAM GUIDELINES**

**As required by the
Federal Transit Administration**

September 30, 2023

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**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

Contents

ORGANIZATION CHART 4

INTRODUCTION 5

DISCRIMINATION UNDER TITLE VI 7

LIMITED ENGLISH PROFICIENCY 7

 MDOT LIMITED ENGLISH PROFICIENCY (LEP) VOLUNTEERS
 1

 0

PUBLIC PARTICIPATION AND PLANNING..... 10

PUBLIC OUTREACH AND INVOLVEMENT..... 10

 MDOT TITLE VI NONDISCRIMINATION POLICY STATEMENT..... 12

 MDOT ASSURANCE FOR NONDISCRIMINATION 13

 REGULATORY REQUIREMENTS AND RELATED STATUES..... 15

 STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE..... 16

Office of Passenger Transportation Organization Chart 17

 PROGRAMMATIC ROLES AND RESPONSIBILITIES 17

 OFFICE OF THE DIRECTOR 17

 CHIEF CULTURE EQUITY AND INCLUSION OFFICE (CCEIO)..... 18

 MDOT TITLE VI ADMINISTRATOR..... 18

 MDOT TITLE VI STATEWIDE COORDINATOR 18

 TITLE VI INTERDISCIPLINARY TEAM..... 19

Interdisciplinary Team Coordinators..... 20

 OFFICE OF PASSENGER TRANSPORTATION ADMINISTRATOR (OPT) 21

Subrecipient Monitoring 21

Reporting..... 23

Program Administration..... 23

 BUREAU OF TRANSPORTATION PLANNING (BTP)..... 24

Monitoring 24

Annual Review..... 25

 TITLE VI PLAN DISTRIBUTION 26

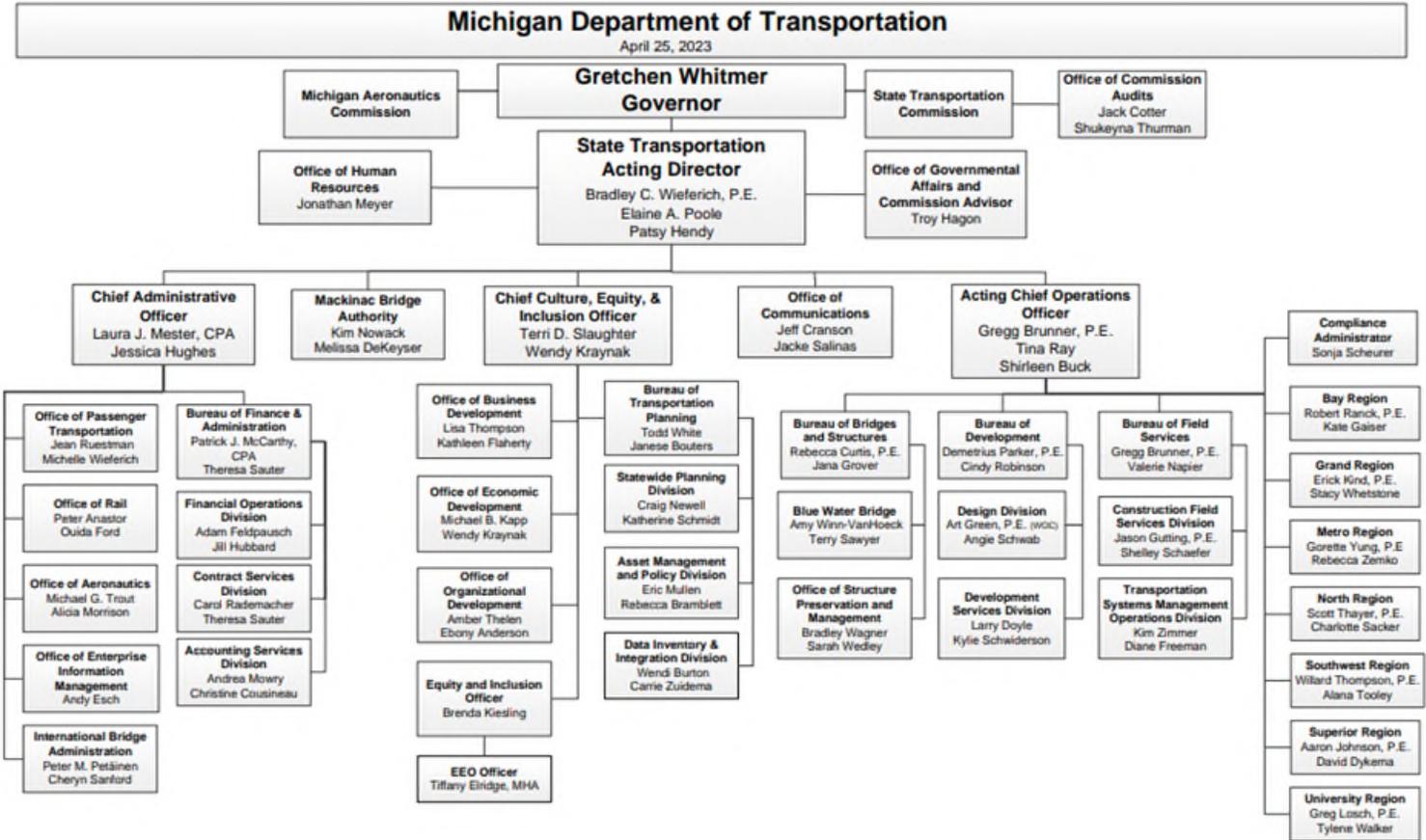
Internal Distribution:..... 26

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

External Distribution:	26
ACCOMPLISHMENTS REPORT	27
COMPLAINT PROCEDURES.....	27
Complaint Reporting	27
Investigations	28
Retaliation	29
Summary of Complaint Tracking for Reporting Period (FY 2022).....	29
GLOSSARY.....	30
APPENDICES	34
APPENDIX A.....	35
APPENDIX B	37
APPENDIX C.....	39
APPENDIX D.....	40
APPENDIX E.....	45
APPENDIX F	50
APPENDIX G	51
APPENDIX H	101

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

ORGANIZATION CHART



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 (EO) 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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

requirements of EO 12898 on EJ. Also, EO 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 “Serving and connecting people, communities, and the economy through transportation.” As the state’s primary recipient of federal transportation funds, MDOT must comply with federal and state laws, as well as 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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

who do not speak English or have difficulty communicating in English regarding quality of life issues that directly affect them.

In accordance with Presidential EO 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 the [Title VI website.](#)) 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 LEP Technical Report on the [Title V website.](#)

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Phone: 517-241-7462
E-mail: 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 Safety Service Patrol and Welcome Centers.
7. MDOT's complete LEP Plan has been developed and may be accessed via [MDOT's Title VI website](#).
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](#).

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.

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

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
GERMAN	Diane Hayes	517-750-0404	X	X	X
HINDI	Mohammad Azam	517-636-0832	X	X	X
HINDI	Anu Sikka	517-241-1211	X	X	X
KANNADA	Mahesha Shivalingaiah	517-241-1211	X	X	X
MANDARIN	Zhizhen Liu	269-327-4499	X	X	X
MANDARIN	Elaine Luo	517-335-2552	X	X	X
PUNJABI	Anu Sikka	517-241-3874	X	X	X
SPANISH	Melissa Donoso	517-335-4562	X	X	X
SPANISH	Maritza Amaro	269-337-3955	X	X	X
SPANISH	Monica Uribe	517-335-4522	X	X	X
URDU	Anu Sikka	517-241-3874	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: EO 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 Title VI website](#).)

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 (FY) 2017, 2018, and 2019. The analysis report concluded that FTA grants allocated in Michigan are county-wide in

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

nature and meet the federal requirements of Title VI and EO 12898 on EJ. 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 EO 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 H 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 2023).” 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 the 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 TITLE VI NONDISCRIMINATION POLICY STATEMENT

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

 SIGNED by Bradley Wieferich
on 2023-09-07 15:56:37 EDT

Bradley C. Wieferich, P.E.
Director

September 7, 2023
Date

MDOT ASSURANCE FOR NONDISCRIMINATION

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 following specific assurances:

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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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.

 SIGNED by Bradley Wieferich
on 2023-09-07 15:56:46 EDT

Bradley C. Wieferich, P.E.
Director

September 7, 2023
Date

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

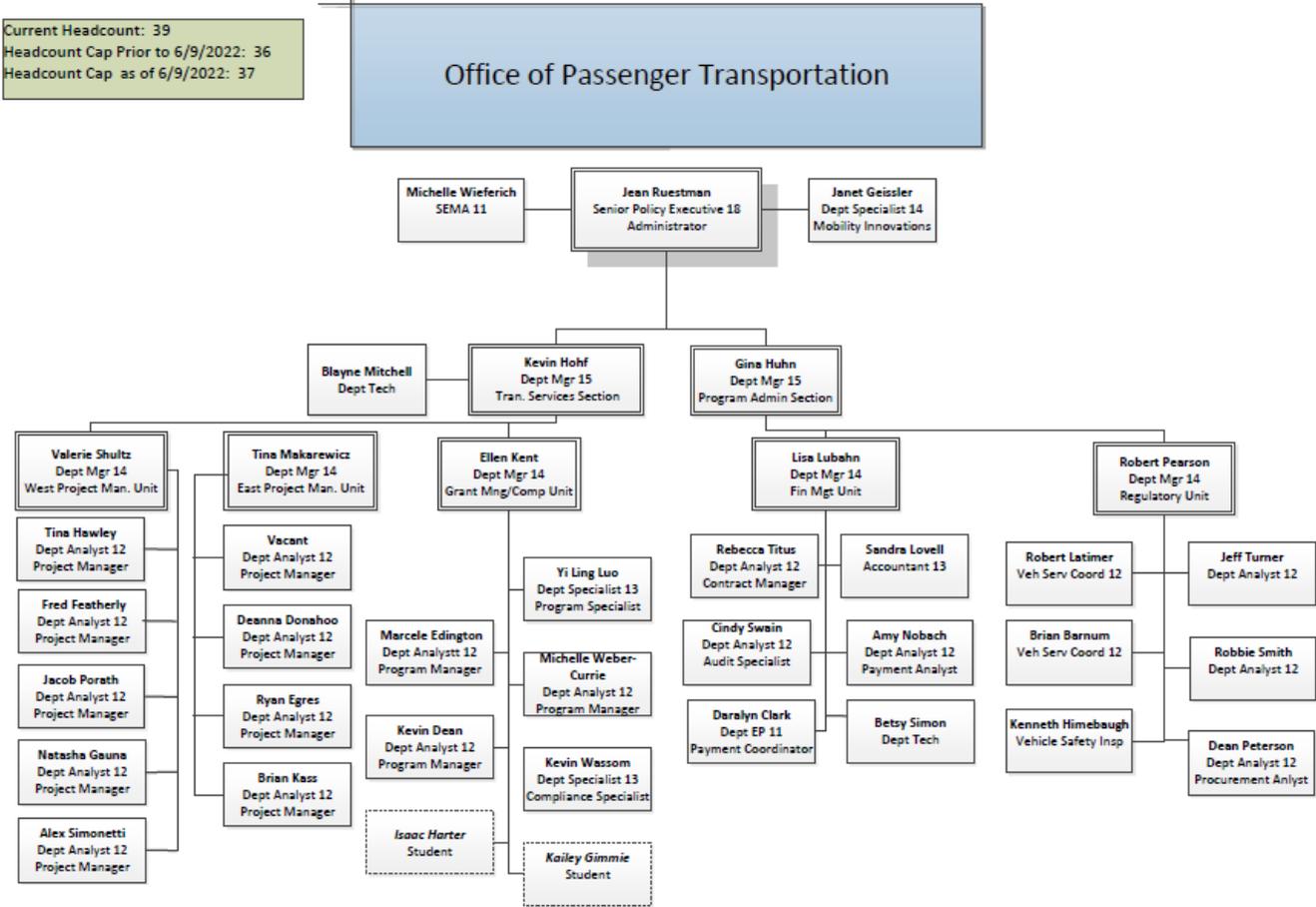
The director of MDOT is responsible for ensuring that all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes, including executive orders. The director has appointed a statewide Title VI program coordinator (hereinafter referred to as the 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, EO 12898, and EO 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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Office of Passenger Transportation Organization Chart



PROGRAMMATIC ROLES AND RESPONSIBILITIES

The following sections describe the civil rights-specific programmatic responsibilities of MDOT’s director, chief culture, equity and inclusion officer, Title VI administrator, statewide Title VI coordinator, Office of Passenger Transportation, and the Bureau of Transportation Planning to enforce Title VI and its related statutes.

OFFICE OF THE DIRECTOR

The MDOT director reports to the governor of the State of Michigan. The director, in conjunction with the chief culture, equity, and inclusion officer, the 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 Office of Business Development through the MDOT Title VI administrator and MDOT Title VI coordinator, with support and assistance from the MDOT Leadership Team.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

CHIEF CULTURE, EQUITY, AND INCLUSION OFFICE (CCEIO)

The CCEIO will directly oversee the areas of the Bureau of Transportation Planning, Statewide Planning, Asset Management and Policy Division, Data Inventory and Integration Division, Equity and Inclusion Officer, Equal Employment Opportunity, the Office of Organizational Development, the Office of Business Development, and the Office of Economic Development.

The CCEIO position guides the department so that it makes meaningful progress in an intentional, strategic, and positive direction. MDOT as an organization cannot perform at its best unless every employee is given the tools, opportunities, and platform to perform at their best. Listening to and valuing feedback from everyone and embracing the unique perspectives and perceptions that we all bring to the table is what will allow us to reach our full potential.

MDOT TITLE VI ADMINISTRATOR

The Title VI administrator reports to the CCEIO and works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for overall Title VI program implementation.

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's statewide 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 [MDOT website](#)).
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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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, EO 12898 (EJ), and EO 13166 (LEP). The MDOT statewide Title VI coordinator serves as the chair of the Interdisciplinary Team. Coordinators gather and provide data to the MDOT statewide Title VI coordinator for the annual update and accomplishments required by the FTA, FHWA, FMCSA, and FAA.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Interdisciplinary Team Coordinators

Name	Bureau/Office	Phone Number
Adamini, Jennifer	Superior Region	906-786-1830, ext. 309
Adams, Frank	Office of Business Development	248-302-4589
Anderson, Ebony	Office of Organizational Development	517-335-1649
Azam, Mohammad	Construction Field Services	517-243-7836
Bayus, Richard	Statewide Planning	517-335-4206
Belonga, Keith	Finance and Administration	517-243-3908
Bevins, Vincent	Superior Region	906-786-1830
Campbell, William	Design Standards	517-335-0523
Clark, Ruth	Environmental Section	517-241-4548
Curry, Orlando	Office of Business Development	517-241-7462
Curtis, Rebecca	Office of Structure Preservation and Management	517-285-1850
Davis, Michael	University Region	517-257-9248
Doyle-Bicy, Tonya	Office of Business Development	517-241-4424
Eldridge, Tiffany	Equal Employment Opportunity	517-599-5232
Galbraith, Matthew	Metro Region	517-230-6891
Grab, Joshua	Southwest Region Planner	269-251-2198
Grundy, Lori	Construction Field Services	517-636-0642
Haxer, Justin	Bureau of Bridges and Structures	810-984-3131
Luo, Elaine	Office of Passenger Transportation	517-335-2552
Martin, John	Bureau of Development	517-582-8926
Monsma, Monica	Environmental Section	517-335-4381
Noblet, Lori	Bureau of Transportation Planning	517-335-2906
Phaneuf, Heidi	North Region Planner	231-340-0326
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
Miller, Nathan	Bureau of Development	517-243-5151
Sims, Ralph	Office of Aeronautics	517-335-9458
Strzalka, Larry	Contract Services Division	517-335-5843
Tyler, Kent	Grand Region	616-260-3814

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Uribe, Monica	Development Services Division	517-355-2266
Vanis, Teresa	Real Estate Section	517-335-4362
Watson, Karen	Maintenance Division	517-322-3306

OFFICE OF PASSENGER TRANSPORTATION ADMINISTRATOR (OPT)

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 statewide 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 the Title VI compliance checklist, assisting TSS management in sending out letters to sub-recipients that outlined the Title VI requirements, developing a Title VI Program Template (Appendix E) to be used by the sub-recipients, 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.

Subrecipient 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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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, save all Title VI forms for management review that indicate any complaints have been received, report to their management if unsolved lawsuits or complaints are reported, and provide assistance as necessary. There have been no reported unsolved lawsuits or complaints since MDOT's last Title VI Plan submittal.

Annual Application Instructions Documents:

- 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 October, signifying the beginning of the annual application process. These application instruction documents can be found on [OPT's website](#).

Potential subrecipients contact OPT on information for funding and PMs share funding information.

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 the OPT Compliance Specialist 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. Any agency providing fixed route service was required to provide information regarding their service standards in their Title VI plan. The Compliance Specialist reviews the program using the Compliance Review Report (Appendix G) to ensure the required elements are addressed.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Michigan rural public transit agencies will be required to update their Title VI nondiscrimination policies in 2023 using the 2020 US census data for household and language demographics in the development of the LEP and Language Assistance Plan (LAP) portions of the document. The 2020 US census data for household and language demographics was released on May 25, 2023, and OPT will send out a notification to all agencies that 2023 updates will be due by Aug. 1, 2023.

The OPT compliance specialist 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 compliance specialist, 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 specialist 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 Compliance Review Report (Appendix G).

If an agency is found to be deficient, the compliance specialist 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 within the online system, the Public Transportation Management System.

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

distribution of funds. OPT project managers work directly with all agencies to encourage service coordination based on requirements when reviewing their annual application forms.

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 (BTP)

The Bureau of Transportation Planning's (BTP) role is to develop and implement a comprehensive transportation planning process that results in investments that are consistent with the financial, social, and economic policies of the State Transportation Commission. Major responsibilities include strategic planning and policy development, multimodal planning, program management, maintaining federal aid eligibility, stewardship, planning for security and mobility, economic development, strategic information technology and tools, asset management, and operations-oriented process support. 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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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 (EO 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 EO 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.
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;

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Interested parties may access the Title VI Plan on [MDOT's website](#).

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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- 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. An 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 of 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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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 2022)

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 transit-related complaints were filed against MDOT during the reporting period,

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

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

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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 EO 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. 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:

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- (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 DOT or MPO.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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
Title VI Plan – Program Guidelines**

Michigan Department
of Transportation
0112 (12/19)

TITLE VI – COMPLAINT FORM

Page 1 of 2

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

MDOT 0113 (07/17)

Page 2 of 3

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.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

MDOT 0113 (07/17)

Page 3 of 3

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:

Please review your entire Title VI Program for possible updates. For your convenience, we have highlighted in **green** the following areas mostly likely to need updates:

- 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: Chapter 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 brochures, on a website, etc. A sample Title VI notice is in Appendix B of [FTA C 4702.1B](#) and attached.*

Further reference: Chapter 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: Chapter 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.*

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Further reference: Chapter 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: Chapter III-5, 8. Promoting Inclusive Public Participation.

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

Further reference: Chapter 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 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: Chapter 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: Chapter 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 sub-contractors 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 sub-recipients are complying with the DOT Title VI*

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

regulations, primary recipients must monitor their sub-recipients for compliance with the regulations. Importantly, if a sub-recipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

Further reference: Chapter III-10, 12. Monitoring Sub-recipients.

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: Chapter III-11, 13. Determination of Site or Location of Facilities.

A copy of board meeting minutes, resolutions, 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 updated Title VI Program to your MDOT project manager for review and approval prior to submitting it to your approval authority. If the changes are minor (updating names, the recent outreach efforts, etc.), you could get board approval prior to sending it to us.

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

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

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., four 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: Chapter 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 4701.1B. For additional information on Title VI or to file a complaint, contact (insert contact name, agency address, phone, email and/or website).

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

APPENDIX F

Michigan Department
Of Transportation
3067

FY 2022 TITLE VI INFORMATION

Name Of Applicant (legal organization name)

MICHIGAN DEPARTMENT OF TRANSPORTAT legal

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?

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

APPENDIX G

Compliance Review Report

MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) OFFICE
OF PASSENGER TRANSPORTATION (OPT)

FTA SECTION 5310 AND SECTION 5311 COMPLIANCE REVIEW REPORT

TRANSIT AGENCY: _____

REVIEW TYPE: _____

REVIEW DATE: _____

SECTION I. AMERICANS WITH DISABILITIES ACT (ADA)

Applicable Y N

Title II (requirements for state and local governments) and Title III (requirements for places of public accommodation) of the American with Disabilities Act of 1990 provide that no agency shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service. The regulations do not require that agencies have written policies detailing how they comply with these service provisions; however, if the transit agency's securement policy requires mobility devices to be secured according to the manufacturer's recommendations, that policy should be in writing, or else a passenger may refuse to allow the driver to secure the device. The agency should be able to provide reasonable documentation to demonstrate that staff is trained in these requirements and how the agency enforces their implementation.

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance

[49 CFR Part 37](#) Transportation Services for Individuals with Disabilities and [ADA Standards for Transportation Facilities](#)

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

[49 CFR Part 38](#) Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

[DOT Disability Law Guidance](#)

[FTA ADA Reasonable Modification Guidance](#)

Transit Vehicle Accessibility

For fixed-route service, each transit agency operating a fixed-route system purchasing or leasing a new bus or other new vehicle for use on the system must ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

For demand response service, each transit agency operating a demand response system for the general public purchasing or leasing a new bus or other new vehicle for use on the system must ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase or lease new vehicles that are not readily accessible to and usable by individuals with disabilities.

A demand response system is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals.

Were all new vehicles acquired for fixed routes accessible? Y N N/A

Were all new vehicles acquired for demand response service accessible? Y N N/A

If no, does the system provide adequate equivalent service? Y N

Describe any needed improvement.

Lift Availability

1. The agency shall establish a system of regular and frequent maintenance checks on lifts

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- sufficient to determine if they are operative.
2. The agency shall ensure that vehicle operators report to the agency, by the most immediate means available, any failure of a lift to operate in service.
 3. Except as provided in this section, when a lift is discovered to be inoperative, the agency shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.
 4. If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the agency is able to provide, the public agency may keep the vehicle in service with an inoperable lift for no more than five days (if the agency serves an area of 50,000 or less population) or three days (if the agency serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.
 5. In any case that a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the agency shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

Review records for lift failures until a sample is found that equals at least 10 percent of the fleet and note compliance to above requirements.

Examine maintenance records for repair on the lifts, and discuss process used when lift vehicles are out of service.

Describe any needed improvement.

[Lift and Securement Use](#)

1. This section applies to public and private entities.
2. All common wheelchairs and their users shall be transported in the agency's vehicles or other conveyances. The agency is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle where such locations exist.
3. (a) For vehicles complying with part 38 of this title, the agency shall use the securement system to secure wheelchairs as provided in that part.
(b) For other vehicles transporting individuals who use wheelchairs, the agency shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- (c) The agency may require that an individual permit his or her wheelchair to be secured.
4. The agency may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.
 5. The agency may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The agency may not require the individual to transfer.
 6. Where necessary or upon request, the agency's personnel shall assist individuals with disabilities with the use of securement systems, ramps, and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.
 7. The agency shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

Review agency's procedures regarding the use of lifts and securement systems and note compliance to above requirements.

Examine lift and securement incident reports since last review and how problem was resolved.

Randomly ride buses to observe the use of lifts and securement systems.

Describe any needed improvement.

Service Animals [ADA Service Animal Guidance](#)

ADA regulations define service animal as a dog trained to work or perform tasks for an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. It is discriminatory to require a person with a disability to certify or register a service animal.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Does the agency have a compliant written service animal policy? Y N

Describe any needed improvement.

[Portable Oxygen](#)

Under DOT hazardous materials rules, a passenger may bring a portable medical oxygen supply on board a vehicle if it can be properly secured. Since the hazardous materials rules permit this, transit providers cannot prohibit it. For further information on hazardous materials rules, as they may affect transportation of assistive devices, entities may contact the department's Research and Special Programs Administration, Office of Hazardous Materials Transportation (202-366-0656).

Does the agency have a compliant written oxygen tank policy? Y N

Describe any needed improvement.

[Accessibility Training](#)

The agency shall ensure that vehicle operators and other personnel make use of accessibility related equipment or features required by [49 CFR Part 38](#). The ADA requires that each fixed-route or demand-responsive service operator ensure that personnel are trained to proficiency, as appropriate for their duties. This training is required so that personnel operate vehicles and equipment safely, properly assist passengers, and treat persons with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among persons with disabilities. The agency must establish appropriate standards for its operation.

There is no requirement for recurrent or refresher training, but there is an obligation to ensure that each employee is always proficient. The training must be appropriate to the duties of each employee and must address both technical requirements and human relations. Note that training is required not only for vehicle operators and those who maintain and repair vehicles and equipment, but for other personnel such as dispatchers who interact with passengers as appropriate.

Is the agency able to provide reasonable documentation to demonstrate that staff is trained in these requirements? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Determine how agency ensures compliance to above requirements by reviewing training procedures, materials, and bulletins provided to personnel, including meeting agendas and attendance records.

Describe any needed improvement.

[Lift Deployment at Any Designated Stop](#)

The agency shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop not under the control of the agency preclude the safe use of the stop by all passengers.

Randomly ride buses to observe lift deployment. Discuss procedures regarding lift deployment.

Describe any needed improvement.

[Adequate Time for Vehicle Boarding and Disembarking](#)

The agency shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

Randomly ride buses to observe vehicle boarding and disembarking. Describe any needed improvement.

[Reasonable Modification](#)

The ADA mandates that an agency providing fixed-route or demand-response service shall respond to requests by individuals with disabilities for reasonable modification to policies and

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

practices consistent with specific guidelines as outlined in the regulations. In addition, the agency providing fixed-route or demand-responsive service is required to make information available to the public detailing how individuals can contact the agency to request reasonable modification.

Is information available to the public for the process of requesting a reasonable modification to the agency's fixed-route or demand-response service? Y N

Has agency received any requests for reasonable modifications? Y N

If so, were the requests approved? Y N N/A

Denied? Y N N/A

Describe any needed improvement.

[ADA Complaints](#)

Grantees are required to have an internal complaint review system and to retain copies of complaint for at least one year and a summary of all complaints for at least five years.

Examples of ADA complaints include but are not limited to:

- Unreasonable administrative burdens in applying for ADA paratransit eligibility
- Bus drivers passing by riders using wheelchairs waiting at a bus stop
- Vehicle operators not announcing stops or identifying routes
- Personnel refusing to allow a rider's service animal in a station or on a vehicle

The following types of service-related complaints are not areas of noncompliance:

- Comfort while riding (e.g., driving style)
- Having to ride in a complementary paratransit vehicle with another rider
- Lack of or limited service (e.g., not serving a particular community or limited evening or weekend service)

Does the agency have a compliant written ADA complaint policy? Y N

Date approved by MDOT OPT: _____

Date approved by agency's governing authority: _____

Have any ADA complaints been filed since the last review? Y N

Has the issue been resolved? Y N N/A

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Has agency retained copies for at least one year? Y N N/A

Has agency provided a summary of complaints from last five years? Y N N/A

If yes, is there a pattern of ADA discrimination? Y N

Describe any needed improvement.

This Section Applicable for Operators of Fixed Route Service

Applicable Y N

[ADA Paratransit Eligibility](#)

An agency providing ADA complementary paratransit service is required to establish a process for determining ADA paratransit eligibility. Eligibility is to be limited to certain categories of individuals:

1. Any person with a disability who is unable to board, ride or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device).
2. Any person with a disability who could ride an accessible vehicle, but the route is not accessible or the lift does not meet ADA standards.
3. Any person with a disability who has a specific impairment-related condition that prevents the person from traveling to or from a boarding/disembarking location.

A determination of whether, as a practical matter, the individual can use fixed-route transit under given circumstances is needed. The goal of the process is to ensure that only persons who meet the regulatory criteria are regarded as ADA-eligible. The process may include functional evaluation or testing of applicants. Evaluation by a physician or health professional may be part of the process, but a diagnosis of a disability does not establish eligibility. The agency is not prohibited from providing service to other persons; however, the eligibility process must distinguish whether someone is ADA-eligible or is provided service on some other basis. The agency must process a completed application within 21 days of submittal. If after 21 days the agency has not made an eligibility determination, the applicant is presumed eligible and must be provided service unless the grantee later denies the application.

The agency is required to establish an appeals process for persons denied eligibility or granted conditional eligibility. The applicant must be given written reason for the determination and notice of the right to an appeal. Applicants should be required only to state their intent to appeal, not be required to give a full justification in writing prior to an opportunity to be heard. The agency may require that an appeal be filed within 60 days of the denial of a person's application. The process must include an opportunity to be heard and to present information.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

The person hearing the appeal must be separate from the person who made the original decision to deny eligibility. The agency is not required to provide ADA-complementary paratransit service pending the determination of the appeal, but if the decision takes longer than 30 days, paratransit must be provided from that time until a decision to deny the appeal is issued. A written notification of an appeal determination, with the reason for it, is also required.

ADA Paratransit Service

Provision of Service: ADA-complementary paratransit must be provided to an ADA-eligible individual, including those with temporary eligibility, the personal care attendant (PCA), if a PCA is necessary, and one other individual accompanying the ADA-eligible individual, if requested. Additional companions may be provided service if space is available. Service also must be provided to visitors. Any visitor who presents ADA eligibility documentation from another jurisdiction must be provided service. If a visitor does not have ADA eligibility documentation, the agency may request proof of residency, and if the disability is not apparent, proof of disability. The agency must accept a certification by the visitor that he or she is unable to use fixed-route transit. The agency is not required to provide more than 21 days of service within a 365-day period. It may request that the visitor apply for eligibility to receive additional service beyond this number of days.

Service Area: The regulations specify “origin-to-destination” service. In certain instances, this might require service beyond strict curb-to-curb. See DOT Disability Law Coordinating Council guidance. The ADA service area at a minimum includes all origins and destinations within corridors with a width of 3/4-mile of each fixed route. Within the core service area, any small areas not inside a corridor but surrounded by corridors also must be served. Outside the core service area, the grantee may designate corridors with widths of up to 1.5 miles on each side of the fixed route, based on local circumstances.

Response Time: Requests for reservations must be accepted during normal business hours on a “next day” basis (not 24 hours in advance) on all days prior to days of service (e.g., weekends, holidays) and trips must be scheduled within one hour of the requested pickup time. Reservations may be permitted up to 14 days before a desired trip.

Fares: The ADA-complementary paratransit fare cannot exceed twice the fare for a trip of similar length, at a similar time of day, on the fixed-route system. No fare may be charged for PCAs. Any companions must pay the same fare as the ADA-eligible individual. Agencies that provide free fare zones and/or operate free shuttle routes in downtown areas or in other parts of their service area must extend the free fares to all “comparable” complementary paratransit trips.

Discounted fares or free fares offered on a promotional basis on fixed-route services (e.g., ozone alert days) do not require a corresponding reduction of the ADA-complementary paratransit fare.

Days and Hours of Service: The days and hours of service for fixed-route service and ADA-complementary paratransit service must be the same.

Trip Purpose: No restrictions or priorities may be based on trip purpose.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Subscription Service: Unless there is non-subscription capacity, subscription service may not absorb more than 50 percent of the number of trips available at a given time. If there are no capacity constraints within the agencies system, subscription service is free to absorb as much as the agency chooses.

Service Capacity: The DOT ADA regulations specify that an agency may not limit the availability of complementary paratransit to eligible individuals by placing restrictions on the number of trips an individual will be provided, implementing wait lists for access to non-subscription service, and using various capacity constraints to limit service. Any operational pattern or practice that has the effect of limiting availability, such as limited phone reservation capacity, is also prohibited.

Grantees should have a mechanism in place for monitoring, tracking, and verifying these indicators of capacity constraints. While there is no regulatory requirement for record-keeping or monitoring in any way, the agency must be able to demonstrate that the trip denials it does have, as well as the missed trips, late pickups, trips of excessive length, etc., are not an operational pattern or practice that significantly limits the availability of ADA paratransit service. Grantees should track service for ADA trips separately from non-ADA trips.

No-Show Policy: Policy must be narrowly tailored to ensure that suspension is only imposed for a true pattern or practice of missing scheduled trips. For example, three no-shows in 30 days would not be a pattern or practice for a frequent or daily rider. Such a policy would consider frequency of rides and no-shows, and not use a simple number threshold, such as 15 percent of scheduled rides are no-shows in 30 days. Only no-shows that are under the rider’s control may be counted against the rider. No-shows caused by reasons beyond the rider’s control (e.g., scheduling problems, late pickups, and operational problems on the part of the transit provider or a family emergency or sudden turn for the worse in a variable medical condition) or operator error must not be counted against the rider.

FTA has permitted transit providers to include late cancellations in their suspension policy, but only to the extent that late cancellations have the same effect on the system as a no-show, and only for late cancellations within the rider’s control. In most cases, a provider should be able to absorb the capacity of a trip cancelled two hours or less before the scheduled pickup.

Systems may not impose a mandatory financial penalty as part of a no-show policy, including charging for the fare for the no-show trip. 49 CFR 37.125(h) permits only the establishment of an administrative process to suspend, for a reasonable amount of time, the provision of complementary paratransit service to eligible individuals who establish a pattern or practice of missing scheduled trips. In very limited cases, however, transit operators and riders facing suspension have mutually agreed to make and accept payment for the missed trips in lieu of suspension. Where such arrangements are made voluntarily, FTA has elected not to intervene.

Review procedures and paratransit plan for compliance. Are the following requirements being met?

Eligibility determinations	<input type="checkbox"/> Y <input type="checkbox"/> N
Service criteria	<input type="checkbox"/> Y <input type="checkbox"/> N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Service capacity	<input type="checkbox"/> Y <input type="checkbox"/> N
Origin-to-destination service	<input type="checkbox"/> Y <input type="checkbox"/> N
Visitor’s service	<input type="checkbox"/> Y <input type="checkbox"/> N
No-show policies	<input type="checkbox"/> Y <input type="checkbox"/> N

Describe any needed improvement.

The agency shall announce stops as follows:

1. The agency shall announce, at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
2. The agency shall announce any stop on request of an individual with a disability.

Randomly ride fixed-route buses to observe the announcements on vehicles. Describe any needed improvement.

[Vehicle Identification Mechanisms](#)

Where vehicles or other conveyances for more than one route serves the same stop, the agency shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

Ride fixed-route buses. Discuss whether there is more than one vehicle using the same stop and the means for identifying the proper vehicle. Describe any needed improvement.

This Section Applicable for Operators of Marine Ferry Service

Applicable Y N

The purpose of 49 CFR Part 39 is to carry out the ADA and Section 504 of the Rehabilitation Act of 1973 with respect to passenger vessels. This rule prohibits owners and operators of passenger vessels, including U.S. and foreign-flag vessels, from discriminating against passengers on the basis of disability; requires vessels and related facilities to be accessible; and

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

requires owners and operators of vessels to take steps to accommodate passengers with disabilities.

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance

[49 CFR Part 37](#) Transportation Services for Individuals with Disabilities and [ADA Standards for Transportation Facilities](#)

[49 CFR Part 39](#) ADA Accessibility Specifications for Passenger Vessels

[DOT Disability Law Guidance](#)

[FTA ADA Reasonable Modification Guidance](#)

Refusal of Service

1. As a private vessel operator (PVO), you may act to deny transportation or restrict services to a passenger with a disability if necessitated by legitimate safety requirements. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
 - a. You may take such action in order to comply with Coast Guard safety regulations.
 - b. You may take such action if accommodating a large or heavy wheelchair would, together with its occupant, create weight and balance problems that could adversely affect the seaworthiness of the vessel or impede emergency egress from the vessel.
 - c. You may restrict access to a lifeboat for a mobility device that would limit access to the lifeboat for other passengers.
 - d. You may take such action if the U.S. or international public health authorities have determined that persons with a particular condition should not be permitted to travel or should travel only under conditions specified by the public health authorities AND an individual has a condition that is both readily transmissible by casual contact in the context of traveling on or using a passenger vessel and has serious health consequences.
 - e. Only passengers meeting both criteria in (d) would allow the PVO to refuse transportation, delay the passenger's use of the vessel, impose any condition on the passenger, or require the passenger to provide a medical certificate.
2. In acting pursuant to legitimate safety requirements, you must take the action that

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

imposes the minimum feasible burdens or limitations from the point of view of the passenger. For example, if you can meet legitimate safety requirements by a means short of refusing transportation to a passenger, you must do so.

3. You may take action to deny transportation or restrict services to a passenger if the passenger poses a direct threat to others. In determining whether an individual poses a direct threat to the health or safety of others, the PVO must make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:
 - a. The nature, duration, and severity of the risk.
 - b. The probability that the potential injury will actually occur and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.
4. If you refuse to provide transportation or use of a vessel to a passenger on a basis relating to the individual's disability or communicable disease, you must provide to the passenger a written statement of the reason for the refusal. This statement must include the specific basis for your opinion that the refusal meets the standards of §39.27 or is otherwise specifically permitted by this part. You must provide this written statement to the person within 10 calendar days of the refusal of transportation or use of the vessel.
5. Passengers must not be required to provide advance notice in order to obtain services or privileges except for the following situations. The reservation system has to ensure that when advance notice is provided that the notice is communicated clearly and on time to the people responsible for providing the requested service or accommodation.

Have any denials for service been issued to a passenger with a disability since the last review?

Y N

If yes, does the PVO have proof that a written statement was provided to a denied passenger within ten calendar days? Y N N/A

Describe any needed improvement.

Advance Notice

Passengers must not be required to provide advance notice in order to obtain services or privileges except for the following situations. The reservation system has to ensure that when advance notice is provided that the notice is communicated clearly and on time to the people responsible for providing the requested service or accommodation.

1. If 10 or more passengers with a disability seek to travel as a group, you may require 72-hour notice.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

2. Reasonable advance notice can be required to guarantee availability of auxiliary aids or services.

Does the PVO have any written policies that discuss communication with passengers in regard to advance reservation notice? Y N

Describe any needed improvement.

[Access to Services](#)

1. A PVO cannot require that a passenger with a disability travel with another person as a condition of being provided transportation on or use of a passenger vessel.
2. PVO personnel are not required to perform personal tasks (e.g., assisting with eating, dressing, toileting) for a passenger.
3. A PVO cannot charge higher fares, surcharges, or other fees to passengers with a disability that are not imposed on other passengers for transportation or use of the vessel.
4. If accessible areas of the vessel are more expensive than the type or class of service than other areas, the PVO must provide the accessible accommodation at the price or type of class of service as other vessel areas.
5. A PVO cannot require passengers with a disability to sign any release or waiver of liability not required of all passengers in order to receive transportation or use of a vessel or to receive services relating to a disability.
6. A PVO cannot require passengers with a disability to sign waivers of liability for damage to or loss of wheelchairs or other mobility or assistive devices.

Did the PVO provide training documentation showing that all employees are aware of the above policies? Y N

Describe any needed improvement.

[Information for Passengers](#)

1. If you are a PVO that is a public entity, you must furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity. In determining what type of auxiliary aid or service is necessary, you must give primary consideration to

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- the requests of individuals with disabilities.
2. If you are a PVO that is a private entity, you must furnish appropriate auxiliary aids or services where necessary to ensure effective communication with individuals with disabilities.
 3. If a provision of a particular auxiliary aid or service would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, you shall provide an alternative auxiliary aid or service, if one exists, that would not result in a fundamental alteration or undue burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations you offer.
 4. As a PVO, it is your responsibility, not that of a passenger with a disability, to provide needed auxiliary aids and services.
 5. As a PVO, you must provide the following information to individuals who self-identify as having a disability (including those who are deaf or hard of hearing or who are blind or visually impaired) or who request disability-related information, or persons making inquiries on the behalf of such persons. The information you provide must, to the maximum extent feasible, be specific to the vessel a person is seeking to travel on or use.
 - a. The availability of accessible facilities on the vessel including but not limited to means of boarding the vessel, toilet rooms, staterooms, decks, dining, and recreational facilities.
 - b. Any limitations of the usability of the vessel or portions of the vessel by people with mobility impairments.
 - c. The services, including auxiliary aids and services, available to individuals who are deaf or hard of hearing or blind or visually impaired.
 - d. Any limitations on the ability of the vessel to accommodate passengers with a disability.
 6. If, as a PVO, you provide telephone reservation or information service to the public, you must make this service available to individuals who are deaf or hard-of-hearing and who use a text telephone (TTY) or a TTY relay service (TRS).
 - a. You must make service to TTY/TRS users available during the same hours as telephone service for the general public.
 - b. Your response time to TTY/TRS calls must be equivalent to your response time for your telephone service to the general public.
 7. If, as a PVO, you provide written (i.e., hard copy) information to the public, you must ensure that this information is able to be communicated effectively, on request, to persons with vision impairments. You must provide this information in the same language(s) in which you make it available to the general public.
 8. As a PVO, you must keep a current copy of [49 CFR Part 39](#) on each vessel and each U.S. port or terminal you serve and make it available to passengers on request.

Did the PVO provide proof of written documents that are provided to individuals who self-identify as having a disability? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Describe any needed improvement.

Accessibility of Vessels and Landside Facilities

1. You must ensure that there is an accessible route between the terminal or other passenger waiting area and the boarding ramp or device used for the vessel.
2. As a PVO, you must ensure that the information you provide to the general public at terminals and other landside facilities is effectively communicated to individuals who are blind or who have impaired vision and deaf or hard-of-hearing individuals, through the use of auxiliary aids and services. To the extent that this information is not available to these individuals through accessible signs and/or verbal public address announcements or other means, your personnel must promptly provide the information to such individuals on their request, in languages (e.g., English, Norwegian, Japanese) in which the information is provided to the general public. The types of information you must make available include but are not limited to information concerning ticketing, fares, schedules and delays, and the checking and claiming of luggage.
3. As a PVO, if you provide, contract for, or otherwise arrange for transportation to and from a passenger vessel in the United States, you must ensure that the transfer service is accessible to and usable by individuals with disabilities.
4. You must also provide assistance requested by or on behalf of a passenger with a disability in moving between the terminal entrance of a terminal and the place where people get on or off the passenger vessel. This requirement includes assistance in accessing key functional areas of the terminal, such as ticket counters and baggage checking/claim. It also includes a brief stop upon request at an accessible toilet room.
5. If a passenger with a disability can readily get on or off a passenger vessel without assistance, you are not required to provide such assistance to the passenger. You must not require such a passenger with a disability to accept assistance from you in getting on or off the vessel unless it is provided to all passengers as a matter of course.
6. With respect to a passenger with a disability who is not able to get on or off a passenger vessel without assistance, you must promptly provide assistance that ensures that the passenger can get on or off the vessel. When you have to provide assistance to a passenger with a disability in getting on or off a passenger vessel, you may use any available means to which the passenger consents (e.g., lifts, ramps, boarding chairs, assistance by vessel personnel).

Did the PVO provide training documentation showing that all employees are aware of the above policies? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Describe any needed improvement.

[Service Animals](#)

1. As a PVO, you must permit service animals to accompany passengers with a disability. In the marine environment, a service animal definition is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
2. You must permit the service animal to accompany the passenger in all locations that passengers can use on a vessel, including in lifeboats.
3. You must permit the passenger accompanied by the service animal to bring aboard a reasonable quantity of food for the animal aboard a vessel at no additional charge. You must accept the following as evidence that an animal is a service animal:
 - a. Identification cards, other written documentation,
 - b. Presence of harness, tags, and/or the credible verbal assurances of a passenger with a disability using the animal.

Did the PVO provide a copy of their current service animal policy? Y N

Describe any needed improvement.

[Wheelchairs and Other Assistive Devices](#)

1. As a PVO subject to Title III of the ADA, you must permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
2. As a PVO subject to Title III of the ADA, you must make reasonable modifications in your policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless you can demonstrate that a device cannot be operated on board the vessel consistent with legitimate safety requirements you have established for the vessel.
3. In determining whether a particular other power-driven mobility device can be allowed on a specific vessel as a reasonable modification, the PVO must consider:
 - a. The type, size, weight, dimensions, and speed of the device.
 - b. The vessel's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).
 - c. The vessel's design and operational characteristics (e.g., the size and balance requirements of the vessel, the density and placement of stationary devices, and

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

- the availability of storage for the device, if requested by the user).
- d. Whether legitimate safety requirements can be established to permit the safe operation of a device in the specific vessel.
4. As a PVO subject to Title III of the ADA, you must not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. You may ask a person using another power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. In response to this inquiry, you must accept the presentation of a valid, state-issued disability parking placard or card, or state-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, state-issued disability parking placard or card, or state-issued proof of disability, a PVO shall accept as a credible assurance a verbal representation not contradicted by observable fact that the other power-driven mobility device is being used for a mobility disability.
5. As a PVO, you are not required to permit passengers with a disability to bring wheelchairs or other powered mobility devices into lifeboats or other survival craft, in the context of an emergency evacuation of the vessel.

Did the PVO provide training information showing that all employees are aware of the above policies? Y N

Describe any needed improvement.

[Complaints Resolution Official \(CRO\)](#)

All private vessel operators must designate one or more complaints resolutions officials (CRO). A CRO must be available for contact on each vessel and at each terminal that you serve. If a telephone link to the CRO is used, TTY or TRS service must be available for persons with hearing impairments. You must make the CRO service available in the language that you make your other services available to the general public.

Name of CRO for vessel: _____

1. CRO contact information must be given to any person who complains or raises a concern with your personnel about discrimination, policies, or services with respect to passengers with a disability, and if your personnel do not immediately resolve the issue to the customer's satisfaction or provide a requested accommodation.
2. Reservation agents, websites, and contractors must also be able to provide CRO contact information to passengers.
3. You must ensure that your CRO has the authority to make dispositive resolution of complaints on behalf of the private vessel operator. This means that the CRO has the power to overrule the decision of any other personnel, except that the CRO may not be

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

given authority to countermand a decision of the master of a vessel with respect to safety matters.

Did the PVO provide proof of ferry accessibility information and ferry complaint resolution posting(s) on vessel, ticketing area, and website? Y N

Describe any needed improvement.

[Responding to Direct Complaints](#)

1. When a complaint is made directly to a CRO (e.g., orally, by phone, TTY), the CRO must promptly take the following actions:
 - a. If an alleged violation of a provision has occurred and the CRO agrees that a violation has occurred, the CRO must provide the complainant a written statement setting forth a summary of the facts and what steps the PVO proposes to take in response the violation.
 - b. If the CRO determines that the PVO’s action does not violate a provision, the CRO must provide the complainant a written statement, including a summary of the facts and reasons for the determination.
 - c. The statements required to be provided must inform the complainant of his or her right to complain to the Department of Transportation and/or Department of Justice. The CRO must provide the statement in person to the complainant if possible; otherwise, it must be transmitted to the complainant within ten calendar days of the complaint.

[Responding to Written Complaints](#)

1. As a PVO, you must respond to written complaints received by any means (letter, fax, e-mail, instant message) concerning complaints regarding disability discrimination.
2. A passenger making a written complaint must state whether he or she had contacted a CRO in the matter, provide the name of the CRO and the date of contact, and enclose any written response received from the CRO.
3. As a PVO, you are not required to respond to a complaint from a passenger postmarked or transmitted more than 45 days after the date of the incident.
4. As a PVO, you must make a dispositive written response to a written disability complaint within 30 days of its receipt. The response must specifically admit or deny that a violation has occurred. The response must be effectively communicated to the recipient.
 - a. If you admit that a violation has occurred, you must provide to the

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

complainant a written statement setting forth a summary of the facts and the steps that you will take in response to the violation.

- b. If you deny that a violation has occurred, your response must include a summary of the facts and your reasons for the determination.

Have any ADA complaints been filed since the last review? Y N

Has the issue been resolved? Y N N/A

Has agency retained copies for at least one year? Y N N/A

Has agency provided a summary of complaints from last five years? Y N N/A

If yes, is there a pattern of discrimination? Y N N/A

Describe any needed improvement.

SECTION II. CHARTER SERVICE

Applicable Y N

FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. The prohibition applies to recipients of Section 5307, 5310, and 5311 financial assistance. Grantees are allowed to operate community-based charter services exempted and excepted under the regulations and some irregular or limited duration services.

[REFERENCES](#)

[FTA Charter Regulations Guidance](#)

[FTA Charter Registration Guidance](#)

The FTA charter ombudsman can be e-mailed at ombudsman.charterservice@dot.gov.

The FTA Office of the Chief Counsel can be contacted at 202-366-4011.

[Charter Definition](#)

Transportation provided by a transit agency at the request of a third party for the exclusive use of a bus or van for a negotiated price. Under this portion of the definition, any of the following features suggest that the service being provided is regulated charter:

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

1. A third party pays the transit provider a negotiated price for the group.
2. Any fares charged to individual members of the group are collected by a third party.
3. The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period; or
4. A third party determines the origin and destination of the trip as well as scheduling.
5. Transportation provided by a transit agency to the public for events or functions that occur on an irregular basis or for a limited duration and (1) a premium fare is charged that is greater than the usual or customary fixed route fare; or (2) the service is paid for in whole or in part by a third party.

Exemptions

Federal charter service regulation does not apply to the following. **No record-keeping or reporting is required.**

1. A transit agency that is transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, or government officials and their contractors and official guests to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
2. Private charter operators that receive, directly or indirectly, federal financial assistance under FTA programs or other specified programs.
3. A transit agency that is transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, or government officials and their contractors and official guests for emergency preparedness planning and operations.
4. A transit agency that uses federal financial assistance from FTA for program purposes only.
5. Actions directly responding to an emergency declared by the president, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. For the first 45 days, the transit agency is exempt. If the emergency lasts more than 45 days, the transit agency must follow specific procedures in the rules to continue the service.
6. Transit providers in a nonurbanized area that are transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions

Listed below are exceptions (regulated charter) that may be provided if specific guidelines are met, and procedures are followed. **This service must be reported quarterly to MDOT OPT and records must be kept by the transit agency for three years. The transit agency must have an MDOT OPT-approved cost allocation plan.**

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

1. Government officials on official government business (no more than 80 hours within the geographic service area and does not generate revenue except as required by law).
2. Qualified human service organizations for the purpose of serving persons (a) with mobility limitations related to advanced age; (b) with disabilities; or (c) with low income.
3. When no registered charter provider responds to a notice from a recipient.
4. Agreement with all registered charter providers within the agency's geographic service area.
5. Petitions to the administrator to provide charter service directly to a customer for:
 - a. Events of regional or national significance.
 - b. Hardship (only for nonurbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
 - c. Unique and time-sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.
6. Leasing FTA-funded equipment and drivers to registered service providers under the following conditions:
 - a. The private charter operator is registered on the FTA charter registration website.
 - b. The registered charter provider owns and operates buses or vans in a charter service business.
 - c. The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated by the registered charter provider or the number of accessible vehicles operated by the registered charter provider.
 - d. The registered charter provider has exhausted all the available vehicles of all registered charter providers in the recipient's geographic service area.

Does the agency operate any service that falls under one or more of the allowed exemptions?
 Y N

If yes, which exemption(s)?

Does the agency provide charter service with locally owned vehicles? Y N

If the vehicle(s) is stored and maintained in a federally funded facility, the service must be reported to MDOT OPT as charter service. Files will be reviewed to ensure this service is separate from federally funded public transportation service.

Does the agency operate and report any charter service under the exceptions above, as defined in the regulation (i.e., service provided on an irregular basis or for limited duration, receives subsidies from third parties for service)? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Under which exception(s)?

If applicable, were the quarterly reports submitted in a timely manner and reflect under which exception the grantee performed the charter service? Y N N/A

Did the agency or the state (on the agency's behalf) request an advisory opinion from the Office of Chief Counsel? Y N

If yes, what was the response and was it followed?

Did any registered charter provider file a cease-and-desist order against the agency? Y N

Did any registered charter provider file a complaint with the Office of the Chief Counsel alleging noncompliance against the agency? Y N

If yes, did the agency file an answer within 30 days of the date that the FTA notification was served? Y N N/A

SECTION III. COMMERCIAL DRIVER'S LICENSE

Applicable Y N

Grantees that receive only Section 5310 are not subject to FTA's drug and alcohol testing rules but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver's licenses (CDL).

All drivers of vehicles designed to transport 16 or more passengers, including the driver, must have a CDL. Mechanics who drive the vehicles must also have a CDL. Therefore, those transit agencies who receive Section 5310 funds and have vehicles designed to transport 16 or more must be included in a drug and alcohol testing program.

[REFERENCES](#)

[49 CFR Part 382](#) FMCSA Controlled Substances and Alcohol Use and Testing

The FMCSA website regarding drug and alcohol testing and all reporting requirements is <https://www.transportation.gov/odapc/MISreporting> or you may contact the Office of Drug and Alcohol Policy and Compliance (ODAPC) at 202-366-3784.

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

Does the agency have vehicles which would require a CDL? Y N

If yes, is the agency following FMCSA regulations? Y N N/A

Does the agency have a drug and alcohol testing program? Y N

Verify staff determining reasonable suspicion tests are certified. Y N

Name: _____

Date Certified: _____

Name: _____

Date Certified: _____

Describe any needed improvement.

--

SECTION IV. COST ALLOCATION PLANS (CAP)

Applicable Y N

The following are activities that may require a CAP: Please note that the following list is only illustrative and not all inclusive, and other conditions may require a CAP. If you incur expenses for any activities that are not considered public transportation and are conducted for another entity, you may need a CAP. Please mark “yes” or “no” for each item and add any not listed.

List any current CAP:

Package Delivery/Meal Delivery Programs Y N

Does your agency provide any package delivery or meals on wheels service? If so, it cannot conflict with public transit services, nor result in a reduction of service to transit passengers.

Charter Service Y N

Does your agency provide incidental charter service?

Multiple Operating Funding Sources Y N

Does your agency receive state or federal operating funds for more than one program?
(Example: An agency that participates in the Job Access Reverse Commute program and provides Regular Service)

Rental/Other Income Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Does your agency rent space, vehicles, or parking lots to others? (Examples: concession stand, candy counters, restaurants, office space, garage space)

Maintenance Services Y N

Does your agency sell maintenance services to others?

Contributed Service Y N

Does your agency receive donated services that benefit transit operations and would need to be purchased if the services were not donated?

Joint Costs with Others Y N

Is your agency a department, office, etc. of a local (city, county, or township) government that has joint cost with other units of the local government? (Examples: building maintenance, bookkeeping services, information technology, payroll service, insurance, joint job responsibilities between departments). This does not apply to transit authorities.

Other Activities Y N If so, list them here.

- A. If “yes” was indicated in Part II, a CAP is required - continue to B. If only “no” was indicated in Part II, and you are unsure if a CAP is required contact your project manager otherwise end of process.
 Y N
- B. Is a corresponding CAP listed in Part I? If yes, has the CAP been approved by MDOT? If yes, continue to C, if no, continue to D. Y N
- C. Has the methodology changed since the plan was approved? If yes, continue to D. If no, end of process. Y N
- D. An approved CAP methodology or updated methodology is required. Your agency needs to formulate the plan methodology and submit it to your project manager. Contact your project manager if you have questions.

SECTION V. DRUG AND ALCOHOL TESTING

Applicable Y N

Agencies receiving FTA Section 5307 and Section 5311 financial assistance must have an approved drug and alcohol policy and testing program for all safety-sensitive employees. Section 5310 agencies that receive Section 5311 funds from a Section 5307 agency must meet the same requirement. The FTA mandated drug and alcohol testing program is separate from, and in addition to, the provisions of the Drug-Free Workplace Act (DFWA).

REFERENCES

[49 USC §5331](#) Alcohol and Controlled Substances Testing for Public Transportation Employees

[49 CFR Part 655](#) Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

[49 CFR Part 40](#) Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Areas to be Examined

1. Policy statement on prohibited drug use and alcohol misuse in the workplace.
2. Types of tests and substances.
3. Rate of random testing.
4. Post-accident determinations.
5. Monitoring contracts and/or subrecipients with safety sensitive employees.
6. Monitoring program vendors.

The agency must conduct the following types of drug and alcohol testing.

1. Pre-employment
2. Random

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

- 3. Post-accident
- 4. Reasonable suspicion
- 5. Return-to-duty
- 6. Follow-up

Does the agency have a written drug and alcohol testing policy? Y N

Date the policy was approved by the agency's governing board:

Do all employees receive a copy of the policy and sign an acknowledgement of receipt that is maintained on file? Y N

Review records for 10 percent of employees (up to five to) determine if a pre-employment test was conducted and verified results maintained on file.

Describe any needed improvement.

How does the agency check on the drug and alcohol testing record of new hires and transfers that they are intending to use to perform safety sensitive duties? Describe any needed improvement.

Verify the agency is completing a release of information form and sending it to the new employee's previous employer. Y N

Is the release form on file? Y N

How does the agency assure testing is completed at an annual random rate of 50 percent for drugs and 10 percent for alcohol, or as defined by FTA regulations?

Describe any needed improvement.

Verify the agency prepares and maintains an annual Management Information System (MIS) report of drug and alcohol test results. Y N

Total number of safety sensitive employees reported: _____

Total number of random alcohol tests completed: _____

Total number of random drug tests completed: _____

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

Randomness of Testing

Review both the completed Drug and Alcohol Annual Summary and the Drug and Alcohol Random Testing Template documents to determine if the agency has a predictable testing pattern. If the documents have not been completed, or they have not presented alternative documents, instruct the agency to complete them and submit them for review prior to the compliance review closing process.

Were the random testing matrix documents completed? Y N

Was a predictable testing pattern detected? Y N

Verify the agency is using a notification for testing form. Y N

Verify the notification of testing forms on file? Y N

Policy: Amount of time employee must report to test site: _____

Are the notification time and site arrival time being documented? Y N

Is the employer copy of the custody and control form on file? Y N

Are verified test results on file? Y N

Describe any needed improvement.

Post-Accident Testing

Did the agency have any post-accident tests since the last review? Y N

If yes, was the test performed in accordance with their policy? Y N N/A

Is the post-accident testing determination form completed and on file?
 Y N N/A

Are accident reports and other documentation on file? Y N N/A

If a test was given under the transit agency's own authority, was a non-federal testing form used? Y N N/A

Describe any needed improvement.

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

Reasonable Suspicion Testing

Did the agency have any reasonable suspicion tests since the last review? Y N

If yes, was the test performed in accordance with their policy? Y N N/A

Verify staff determining reasonable suspicion tests are certified. Y N

Name: _____

Date Certified: _____

Name: _____

Date Certified: _____

Name: _____

Date Certified: _____

Are reasonable suspicion training certificates on file? Y N

Is the reasonable suspicion determination report on file? Y N N/A

Describe any needed improvement.

Return-to-Duty and Follow-Up Testing

Does the agency have a zero-tolerance policy? Y N

Did the agency have employee(s) return-to-duty since the last review?

Y N N/A

If yes, was the test performed in accordance with their policy? Y N N/A

Did the employee(s) complete the treatment protocol prior to testing?

Y N N/A

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

Were follow-up tests performed in accordance with their policy and at the employee(s) expense? Y N N/A

Were return-to-duty and follow-up tests direct observation? Y N N/A

Are substance abuse professionals properly identified in the agency’s policy and provided to employees in the event of a verified positive test? Y N

Describe any needed improvement.

Medical Review Officer (MRO) Certification

Name of MRO: _____

Date Certified: _____

Is a current copy of the MRO certification on file? Y N

Collection Site and Personnel Certification

Name of Collection Site: _____

Name of DOT Specimen Collector: _____

Date Certified: _____

Name of Breath Alcohol Tester (BAT): _____

Date Certified: _____

Are current copies of collection site personnel certifications on file? Y N

Is the collector registered to receive updates from the DOT Office of Drug and Alcohol Policy and Compliance [ODAPC Listserv](#)? Y N

Describe any needed improvement.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

[File Security and Agency Testing Program Review](#)

Verify drug and alcohol testing program records are maintained in a separate secured location with controlled access. Y N

Are employee training records on file to include at least 60 minutes of drug and alcohol education and awareness? Y N

How does agency ensure the lab is testing for substances identified in their plan?

What efforts does the agency make to monitor the FTA Drug and Alcohol Testing Program requirements of its contractors, lessees, etc. with safety-sensitive employees?

If the agency contracts out any or all aspects of its Drug and Alcohol Program (e.g., collection sites, MROs, etc.), what steps is the agency taking to monitor their compliance with program requirements?

Date of last collection site mock collection or observation: _____

Discuss the agency's policy or procedure for monitoring CDL requirements.

Describe any needed improvement.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

SECTION VI. EQUAL EMPLOYMENT OPPORTUNITY

Applicable Y N

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination for agencies receiving federal financial assistance. Specifically, Title VII makes it unlawful for an employer to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of an individual's race, color, religion, sex, disability, or national origin in matters of hiring, training, promotions, discipline, firing, and all workplace conduct (42 U.S.C. Section 2000e).

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

[FTA Circular 4704.1A](#) FTA Equal Employment Opportunities

[Rehabilitation Act of 1973 Section 503](#)

[Rehabilitation Act of 1973 Section 504](#)

[Equal Pay Act of 1963](#)

Threshold

Subrecipients that receive capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 and employ 50 or more transit-related employees must submit to the state an EEO plan. For agencies with 100 or more employees, a full seven-part EEO program is required. For agencies with 50-99 employees, only the five-part EEO program is required. Program updates are due every four years.

EEO Officer Designation

The designation of an agency's EEO officer responsible for management and oversight reflects the agency's EEO commitment. As such, FTA requires agencies to designate an executive as EEO officer who will report to and is directly responsible to the agency's CEO/GM.

FTA requires agencies to name the EEO officer and publicize the individual's contact information in all internal and external communications regarding the agency's EEO plan. FTA encourages agencies to compensate the EEO officer at the same level as

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

other agency executives.

FTA requires agencies to ensure that no conflicts of position or conflicts of interest occur or appear to occur with respect to the EEO officer’s role. This means separating the EEO officer from Human Resources official(s) in order to maintain the integrity of the EEO investigative and decision-making process.

Does the EEO officer report directly to the CEO/executive director? Y N

Is the EEO officer separate from the Human Resources department of the agency?
 Y N

Describe any needed improvements.

Utilization Analysis and Goals

FTA requires agencies to complete a utilization analysis. A completed utilization analysis identifies job categories that have an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. The analysis also establishes the framework for goals and timetables to correct employment practices that contributed to any identified underutilization or concentration.

The workforce analysis includes the number of employees and salary ranges for each job category for men and women in the following sub-categories:

1. White (not Hispanic or Latino)
2. American Indian/Alaska Native (not Hispanic or Latino)
3. Black or African American (not Hispanic or Latino)
4. Hispanic or Latino
5. Asian (not Hispanic or Latino)
6. Native Hawaiian and Other Pacific Islander (not Hispanic or Latino)
7. Two or more races (not Hispanic or Latino)

The analysis also summarizes the following EEO job categories: officials and administrators, professionals, technicians, administrative support workers, skilled craft workers, and service and maintenance workers.

Agencies must also compile information on the availability of minorities and women in the workforce at large and to analyze participation rates of minorities and women at the various levels in the workforce in comparison with their availability in the relevant labor market. The completed utilization analysis will show where problems may exist in the agency. Based on these statistics, the agency will be able to set numerical goals and timetables. FTA requires agencies to provide percentage and

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

numerical goals (using the one-person rule) along with timetables for the next three-year period for any categories of underutilization identified in the utilization table.

Verify that the EEO plan contains a utilization analysis showing the underutilization and/or concentration of minorities or women. Y N

Was a copy of the utilization analysis obtained during the review? Y N

Describe any needed improvements.

Does the goals and timetable section of the EEO plan show percentages and numerical goals along with three-year timeline for any underutilized category?

Y N

Describe any needed improvements.

[Narrative and Statistical Assessment of Employment Practices](#)

Agencies can use self-analysis to ascertain whether their employment practices are contributing to underutilization and/or concentration. FTA requires agencies to document their employment practices in both narrative and statistical formats with sufficient detail to identify any practices that may operate as employment barriers.

FTA requires agencies to identify all problem areas and propose a program of remedial actions as part of their EEO program. A proper assessment and identification of problem areas evaluates the impact of an agency's evaluation of external factors (e.g., applicants not knowing where to apply for jobs or the unavailability of bilingual materials and information) and internal factors (e.g., recruitment, testing, hiring, promotions, transfers, seniority, training, compensation, benefits, disciplinary procedures, and terminations).

Does the EEO plan contain statistical data to document the impact of employment practices in the following categories based on race and sex: hired, promotions, training, terminations, and discipline? Y N

Describe any needed improvements.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

FTA requires agencies to have a clearly described complaint process that includes employees knowing where and how to file a complaint.

FTA requires agencies to maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, resolution reached, and the name of the investigator.

FTA requires agencies to maintain cumulative records on applicants, hires, transfers, promotions, training, and termination. Such records provide current information needed to prepare yearly targets and to identify where the program is not working or working effectively enough to meet the goals.

FTA requires agencies to maintain records documenting progress and efforts to ensure nondiscrimination (e.g., agendas and sign-in sheets for training or meetings, job postings published, advertisements placed, a log of recruitment locations and dates).

Does the agency maintain a complaint log that contains name of complainant, basis of the complaint, the protected group, date of initial contact, date of resolution, resolution reached and name of the investigator? Y N

Describe any needed improvements.

Does the agency maintain cumulative records on applicants, hires, transfers, promotions, training, and termination to show that the agency is comparing their yearly targets to actual hiring practice? Y N

Describe any needed improvements.

Is the EEO Policy Statement posted on bulletin boards, near time clocks and break rooms, website, personnel office, or other applicable areas? Y N

Describe any needed improvements.

Does the agency maintain sign in sheets from semi-annual meeting of supervisory staff in the review of the EEO plan? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Describe any needed improvements.

Does the agency maintain sign in sheets from meetings with employees to seek input on the program implementation? Y N

Describe any needed improvements.

Does the agency maintain signed forms showing the employees' acknowledgement of receiving the EEO plan? Y N

Describe any needed improvements.

Does the agency maintain proof that management/supervisory staff was trained on the EEO plan within 90 days of their hiring? Y N

Describe any needed improvements.

Do the agency job postings or advertisements show EEO language? Y N

Describe any needed improvements.

SECTION VII. FACILITIES AND EQUIPMENT

Applicable Y N

This section only applies to agencies with federally funded facility construction, improvements, or renovations, and/or equipment, including administrative vehicles. It does not apply to federally funded revenue vehicles.

Agencies must maintain satisfactory and continuing control over federally funded facilities and equipment and ensure that they are used properly in transit service.

Real property is the land and effects permanently attached to the land, such as trees, buildings, and stationary mobile homes. Anything that is not real property is termed personal property.

Property no longer needed should be used for other purposes or removed from service. The agency is required to notify MDOT OPT when property is removed

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

from the service that was originally intended in the grant award and put to additional or substitute use.

REFERENCES

[2 CFR Part 1201](#) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

[FTA Circular 5010.1E Award Management Requirements](#) Chapter I Section 5(76) on incidental use and Chapter 4 Section 2(i) on property management

[FTA Circular 9040.1G Formula Grants for Rural Areas](#) Chapter V Section 4 on satisfactory continuing control and responsibility

[FTA Circular 9070.1G Enhanced Mobility for Seniors and Individuals with Disabilities](#) Chapter VI Section 8 on satisfactory continuing control and responsibility

Davis-Bacon Act

Is the facility properly identified in PTMS? Y N N/A

Describe any needed improvements.

If the facility is not federally funded, note general condition and proceed to the “Equipment” section.

Facility

Since the last review, has the agency constructed a new transit facility? Y N

If yes, is the facility ADA-accessible? Y N N/A

If no, did the agency obtain a finding of equivalent facilitation from FTA?

Y N N/A

Since the last review, identify any facility improvement including cost and funding source.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

Are all improvements in accordance with ADA accessibility guidelines?

Y N N/A

Have all improvements been added to PTMS? Y N N/A

For construction or improvements over \$2,000, review one week of the certified payroll records for each project for compliance with the Davis-Bacon Act.

Describe any needed improvement.

Since the last review, have any of the accessible features (elevators, signs, and systems to facilitate communications, etc.) been found non-operative? Y N

If yes, were they repaired promptly? Y N N/A

FTA Transit Asset Management (TAM) rating of facility and real property: _____

Identify any incomplete significant features and describe incomplete construction.

Is there any unused space? Y N

If yes, does the agency have an excess real property utilization plan?

Y N N/A

Are there any agreements for usage by other agencies? Y N

If yes, is there an MDOT OPT approved cost allocation plan? Y N N/A

Describe any needed improvement.

Does the agency have an approved facility maintenance plan? Y N

MDOT OPT Approval Date: _____

The facility/equipment maintenance plan should identify specific items (i.e., buildings, parking lots, electric distribution and control equipment, plumbing systems, overhead doors, vehicle maintenance lifts, vehicle washers and wash water recycling systems, heating and/or air conditioning units, generators, administrative

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

vehicles, etc). The facility/equipment maintenance plan should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals. Maintenance intervals might be measured in terms of days or monthly, annually, or in terms of usage (i.e., hours of use). Records of completed facility inspections and repairs must be retained on file.

Verify compliance with approved facility/equipment maintenance plan. Y N

Is equipment purchased since last review added to the maintenance plan?

Y N N/A

Describe any needed improvement.

Equipment

The agency must maintain continuing and satisfactory control of all federally funded equipment. Randomly select a minimum of three federally funded equipment items and verify presence at the agency facility.

Item: _____ Serial number: _____

Verified equipment at agency: Y N

Item: _____ Serial number: _____

Verified equipment at agency: Y N

Item: _____ Serial number: _____

Verified equipment at agency: Y N

At the agency, randomly select a minimum of three equipment items and verify inclusion in PTMS equipment listing.

Item: _____ Serial number: _____

Verified equipment in PTMS: Y N

Item: _____ Serial number: _____

Verified equipment in PTMS: Y N

Item: _____ Serial number: _____

Verified equipment in PTMS: Y N

Has the agency conducted a physical inventory in the past two years? Y N

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

If yes, what method of inventory was used?

Does the agency have a system to prevent loss, damage, or theft? Y N

If yes, describe the system.

Since the last review, has the agency disposed of any equipment? Y N

If yes:

Had the equipment met useful life? Y N

Did the agency obtain MDOT permission for disposal? Y N

What method of disposal was used? _____

Has the equipment been removed from PTMS? Y N

Describe any needed improvement.

[Incidental Use](#)

Does the agency have any real property or equipment that is used for non-transit purposes, including any acquired since the last review? Y N

If yes, identify the item(s) and answer the following questions:

Does the agency receive revenue for incidental use of the above? Y N N/A

If yes, is the revenue used for capital and/or operating expenses for the provision of public transportation? Y N N/A

Does the agency still need and use the above equipment/property for an FTA program or project? Y N N/A

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Does the incidental use of the above equipment/property interfere with the agency's public transportation operations? Y N N/A

Does the agency have incidental use of a fueling facility? Y N N/A

If yes, do they collect all applicable excise taxes? Y N N/A

Date of last signed incidental use affidavit: _____

Describe any needed improvement.

SECTION VIII. PROCUREMENT

Applicable Y N

Agencies will use procurement procedures that reflect applicable agency and local laws and state and federal regulations to ensure competitive procurement. Procedures will conform to applicable federal law including 49 CFR Part 18, specifically §18.36, FTA Circulars 4220.1F and 5010.1E, and the MDOT Master Agreement. Agencies will maintain a records system that ensures that contractors perform in accordance with terms, conditions, and specifications of their contracts or purchase orders.

[REFERENCES](#)

[49 CFR Part 18](#) Subpart C §18.36 on procurement

[FTA Circular 4220.1F](#) Third party contracting guidance

[FTA Circular 5010.1E](#) Grant management requirements

[MDOT Procurement Guidelines](#)

[MDOT Review of Procurements](#)

[Employee Rights Under Davis-Bacon Act](#)

[Davis-Bacon Certified Payroll Form](#)

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Open Competition

Agencies must conduct procurement transactions in a manner providing full and open competition. Agencies are prohibited from restricting competition in federally supported procurement transactions. Some situations that restrict competition include but are not limited to unreasonable qualification requirements, unnecessary experience requirements, excessive bonding, noncompetitive pricing practices between firms, noncompetitive awards to firms on retainer, organizational conflicts of interest, “brand name”-only specifications, or any arbitrary action in the procurement process. **Justification for sole source and single bid awards must be documented and approved by MDOT OPT.**

FTA and MDOT OPT prohibit agencies from using local geographic preferences in the evaluation of bids or proposals in federally assisted procurements, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

Geographic location may be a selection criterion in procurements for architectural and engineering services provided its application leaves an appropriate number of qualified firms to compete for the contract.

Micro-purchases (\$10,000 or less) may be made without obtaining competitive quotations if the agency determines that the price to be paid is fair and reasonable. These purchases should be distributed equitably among qualified suppliers in the local area and should not be split to avoid the requirements for competition above the micro-purchase threshold.

Small purchase (more than \$10,000 but less than \$250,000) procedures require that price or rate quotations be obtained from a minimum of three qualified sources. The solicitations and quotations will be in writing. Quotes will be documented and available upon request.

Procurements of \$250,000 or more require sealed bids or competitive proposals.

Sealed Bids/IFB – Bids are publicly solicited and advertised, the award is made to the lowest (best price), responsive (meets all specifications), and responsible (is qualified to perform the work) bidder. IFB must contain specific language that low bid will be awarded the contract.

Competitive Proposals/RFP – Proposals are publicly solicited and advertised from an adequate number of sources and the award is made to the firm whose offer is most advantageous to the agency. Agencies must identify their evaluation factors and indicate the relative importance that each has toward the award.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

Architectural and engineering (A&E) services (including some design-build procurements) must be procured using a qualifications-based process (Brooks Act). Services subject to this requirement are program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services that lead to construction. Price must not be considered during the selection phase in these procurements. Firms are selected based only on their qualifications. Price is then negotiated with the most qualified firm. If an agreement cannot be reached, then the agency may negotiate with the next most qualified firm and so on until an agreement is reached on a price that the agency determines is fair and reasonable.

Revenue contracts involving FTA-funded facilities or assets (e.g., advertising on buses, at bus shelters, or at transit centers) must be awarded on a competitive basis. Income derived from such contracts must be used to offset program costs.

Third party contracts or subcontracts in excess of \$100,000 must be submitted to MDOT OPT for written approval.

Does the agency have an MDOT approved written procurement policy? Y N

Date of MDOT OPT policy approval: _____

Review procedures, procurement files, legal notices, and solicitation documents to determine that agency does ensure full and open competition for all methods of procurement. Particular attention should be paid to product specifications to ensure that “brand name”-only specifications have been used appropriately (i.e., the agency also must describe the product’s salient characteristics in the specification). While the review of procurement files should focus on awards that exceed the simplified acquisition threshold of \$250,000, the reviewer should discuss procurement actions for micro- and small purchases with the agency to ensure that these also have been conducted competitively.

Review up to three files to ensure that prompt payment was made to the vendor/contractor within 10 days of the agency receiving reimbursement from MDOT OPT.

Describe any needed improvement.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

SECTION IX. SCHOOL BUS TRANSPORTATION

Applicable Y N

The state and its subrecipient agencies are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.

REFERENCES

40 CFR Part 605 School Bus Operations

Exemptions

An FTA subrecipient agency may operate exclusive school bus service with locally funded buses, when stored in locally funded facilities, under the following conditions:

1. The subrecipient agency operates a school system in the area and operates a separate and exclusive school bus service for that school system.
2. Existing private school bus operators are unable to provide adequate, safe transportation.
3. The subrecipient agency, a public entity, operated the service prior to Aug. 12, 1973, or received a grant for facilities before Nov. 26, 1974.

Does the subrecipient agency operate exclusive school bus service? Y N

If yes, under which exemption above does it qualify? _____

Describe any needed improvement.

Is the service operated with locally owned equipment? Y N

If yes, is it stored or maintained in a federally funded facility? Y N N/A

Describe any needed improvement.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

Does the subrecipient agency provide tripper service? Y N

If yes, does this service meet the following criteria?

- Regularly scheduled public transportation service. Y N
- Buses are clearly marked as open to the public. Y N
- Service was modified to meet needs of students/school personnel. Y N
- Service uses various fare collection systems or subsidies. Y N
- Buses have no special designations (e.g., “school bus”). Y N
- Buses use regular bus stops. Y N
- Service is noted on published schedules. Y N

School tripper service that does not meet the above requirements must modify the service to comply with FTA requirements or discontinue the service.

Describe any needed improvement.

FTA defines tripper service as regularly scheduled mass transportation service that is open to the public and is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as “school bus” or “school special”. These buses may stop only at a grantee or operator's regular service stop. All routes traveled by tripper buses must be within a grantee's or operator's regular route service as indicated in their published route schedules. **Therefore, tripper service analysis is only required for agencies providing fixed route service.** Demand response agencies may provide student transportation if it matches all other operational characteristics.

SECTION X. TITLE VI

Applicable Y N

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

[REFERENCES](#)

[FTA Circular 4702.1B](#) Title VI Requirements and Guidelines for Federal Transit Administration Recipients

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

This circular is to help FTA recipients:

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

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 LEP populations in your service area meet the safe harbor threshold (5 percent 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 safe harbor threshold. At a minimum, this statement in the notice - “If information is needed in another language, then contact [phone number]” - should be stated in English and in any other language(s) spoken by LEP populations that meet the safe harbor threshold.

Does the agency have a compliant Title VI policy document on file? Y N

Date the policy was approved by MDOT OPT: _____

Date the policy was approved by the agency’s governing board: _____

If the agency does not have a current policy, they must complete one for review prior to the compliance review closing process.

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

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

Describe any needed improvement.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

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

- 1. Agency Name: Y N

- 2. Statement that the Agency operates its programs and services without regard to race, color, and national origin: Y N

- 3. The procedures that the public should follow to request additional information on the agency’s Title VI obligation: Y N

- 4. The procedures that the public should follow to file a Title VI discrimination complaint against the agency: Y N

If applicable, is this information provided in another language spoken by the LEP population that meets the safe harbor threshold? Y N N/A

Describe any needed improvement.

Where is the Title VI information displayed?

- 1. Brochures Y N N/A
 - 2. *Facility/Headquarters Y N
 - 3. *Transit Vehicles Y N
 - 4. Transit Shelters Y N N/A
 - 5. Transit Stations Y N N/A
 - 6. *Website: Y N
- *Required areas

Describe any needed improvement.

How does the agency ensure its subrecipients are complying with Title VI?

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Describe any needed improvement.

Since the last review, have any of the four-factors changed that might result in an updated analysis and LAP? Y N

If yes, have the updated analysis and LAP been done? Y N N/A

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 improvement.

Do the agency's non-elected boards and committees include minorities?
Y N

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

Describe any needed improvement.

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

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

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

Y N N/A

If required, obtain a copy of the Title VI equity analysis document. Y N/A

DETERMINATION OF SITE OR LOCATION OF FACILITIES

Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” 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. Facilities included in this provision include but are not limited to storage facilities, maintenance facilities, operations centers, etc. To comply with the regulations:

1. The recipient shall complete a Title VI equity analysis during the planning stage regarding 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.
2. 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.
3. If the recipient determines that the location of the project will result in a disparate impact based on 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 based on race, color, or national origin.

The recipient must show how both tests are met; it is important to understand that to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact based on race, color, or national origin, and then implement the least discriminatory alternative.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

Describe any needed improvement.

Does the agency provide fixed route service? Y N

If yes: Do they have system-wide service standards and policies, and how do they monitor them? Y N

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

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

APPENDIX H

**EVALUATION 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 2023



MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Table of Contents

Introduction	103
Methodology	104
How FTA Funds are Allocated in Michigan by Individual Programs	106
FTA Section 5339 Bus and Bus Facilities Program	106
Section 70 Ferry Boat Formula Program	106
FTA Section 5310 New Freedom Enhanced Mobility of Seniors and Individuals with Disabilities	107
FTA Section 5311 Formula Grants for Rural Areas Program.....	107
Job Access Reverse Commute Program.....	108
Where FTA Funds are Allocated in Michigan	112
Conclusion	122
Future Trends.....	123

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

**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 that the 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, Executive Order 14096 (EO 14096) of 2023, 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, EO 12898 of 1994, and EO 14096 of 2023 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) impacts of federally funded projects in communities of color and low-income communities, and in communities of older (65 years of age and older) people and people with disabilities.

For this evaluation, people of color refer to people whose race/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)
- Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands)
- Some Other Race Alone
- Two or More Races

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Low-Income represents those people whose economic background includes:

- Income over the past 12 months that has been below the federal poverty level.

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) 2020 to 2022. There are 21 urbanized areas¹ (population 50,000 or greater) in Michigan. They receive funds directly from the FTA, and those funds are not 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 EOs 12898 of 1994 and 14096 of 2003. Urbanized areas in Michigan over 50,000 have environmental justice and Title VI compliance evaluated by the applicable metropolitan planning organization (MPO) as part of their transportation planning process in their Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP) 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 OPT, which provided FY 2020 - 2022 FTA and state 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 (2021 five-year ACS) was collected to determine the geographic locations of people of color, low-income people, older people, disabled people, and households without vehicles.

To develop EJ analysis maps, which show priority areas based on number of people of color and/or number of low-income people, MDOT gathers and maps U.S. census five-year ACS data. For transit analysis, since funding is distributed at the county level, the geographic unit of measurement for EJ analysis is the county. Counties were sorted into percentiles based on number of people of color and number of low-income people. The counties with numbers above the 50th percentile in the state of people of color, low-income people, or both are designated as EJ priority counties.

Most of the counties with urbanized areas (and therefore MPOs) fall in the 80-90th percentile or the 90-100th percentile for EJ analysis. The counties without urbanized areas, which are the main focus of this analysis, generally fall between the 50-60th percentile and the 70-80th percentile.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Because they are of particular
relevance for transit funding,
separate maps were created showing
the counties sorted

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.

The OPT program of projects were used to assist with this analysis. These data sets were used to develop a map overlay 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 maps to see if:

- FTA funds are being allocated in accordance with program 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 the maps will show a pattern of distribution that illustrates *how* and *where* FTA funds are disbursed, and if such patterns support Title VI and EJ 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 maps in the second part of this evaluation.

The maps will present aggregated data; that is, the summation of all funding programs in Michigan at each county and for all three fiscal years (2020-2022). Since this analysis will be showing distributive trends of FTA dollars in the last three fiscal years, the evaluation can identify future program shortfalls, connectivity gaps, and needs that can positively shape the vision, mission, and goals for implementing transit funding programs in Michigan.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

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
- Section 70 Ferry Boat Formula Program
- FTA Section 5310 New Freedom Enhanced Mobility of Seniors & Individuals with Disabilities
- FTA Section 5311 Formula Grants for Rural Areas Program
- Job Access and Reverse Commute (JARC) 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 \$30.6 million in 5339 federal funds for rural agencies from 2020-2022. These funds were used primarily for bus replacement.

Section 70 Ferry Boat Formula Program

BIL continues the Ferry Boat Program (FBP), which funds the construction of ferry boats and ferry terminal facilities. BIL continues the Fixing America's Surface Transportation (FAST) Act modification of the formula, giving greater weight to the number of passengers carried by ferry systems.

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

MDOT obligated approximately \$4.9 million in Section 70 federal funds for five ferry boat service agencies for vessel construction, upgrades, and dock improvements.

FTA Section 5310 New Freedom Enhanced Mobility of Seniors and Individuals with Disabilities

The “New Freedom” Enhanced Mobility of Seniors and 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 signs 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.

MDOT received \$2.3 million in 5310 federal funds for rural agencies from 2020 to 2022.

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

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title VI Plan – Program Guidelines

- 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.

MDOT received \$71.7 million in 5311 operating and \$24.6 million in 5311 capital federal funds for rural agencies from 2020 to 2022.

Job Access Reverse Commute Program

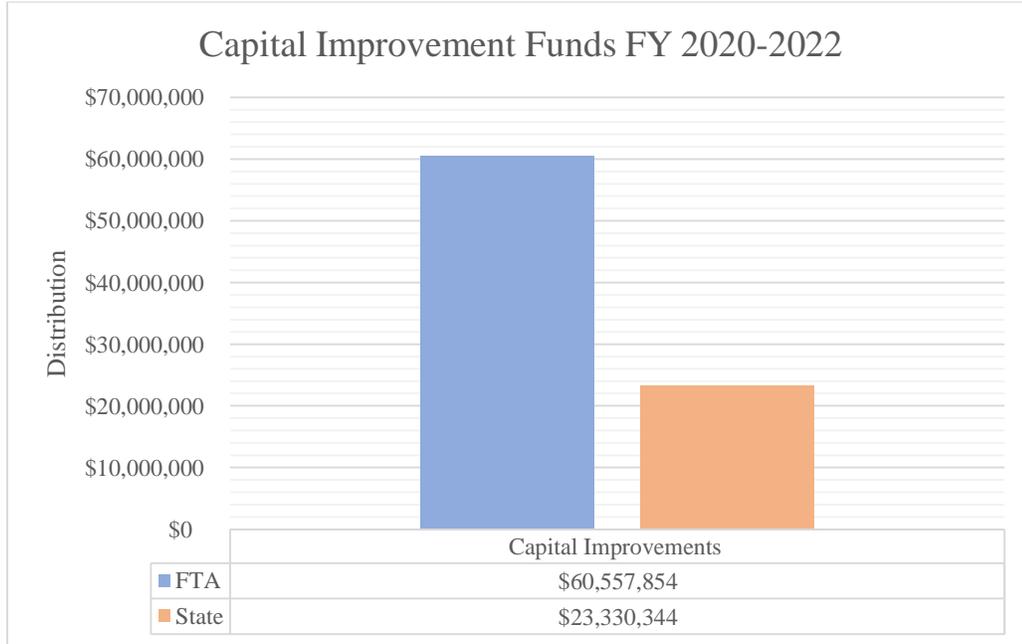
The Job Access and Reverse Commute (JARC) program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment. Many new entry-level jobs are located in suburban areas, and low-income individuals have difficulty accessing these jobs from their inner city, urban, or rural neighborhoods. In addition, many entry level jobs require working late at night or on weekends when conventional transit services are either reduced or non-existent. Finally, many employment-related trips are complex and involve multiple destinations, including reaching childcare facilities or other services.

MDOT received \$3.8 million in JARC federal funds for rural agencies from 2020 to 2022.

The following charts 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 FY 2020-2022.

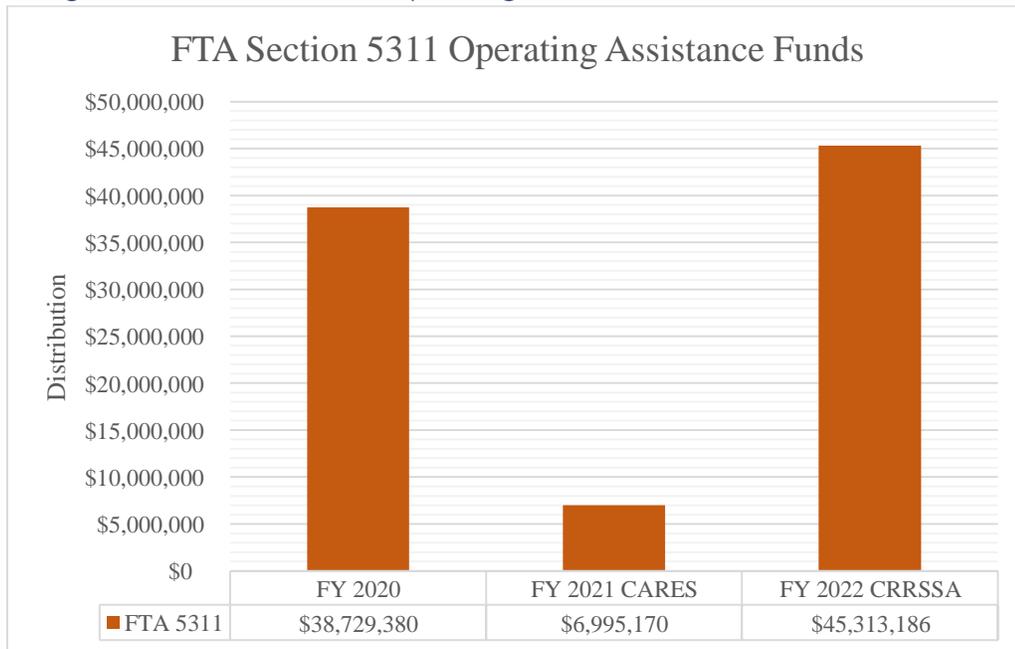
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Title VI Plan – Program Guidelines**

Figure 1: Capital Improvement Funds to Rural Agencies



In FY 2020-2022, a total of \$60,557,854 was allocated from FTA to rural agencies in Michigan for capital improvements. The State of Michigan contributed \$23,330,344 to capital improvement projects during this same time for a total of \$83,888,198 in capital improvement investments.

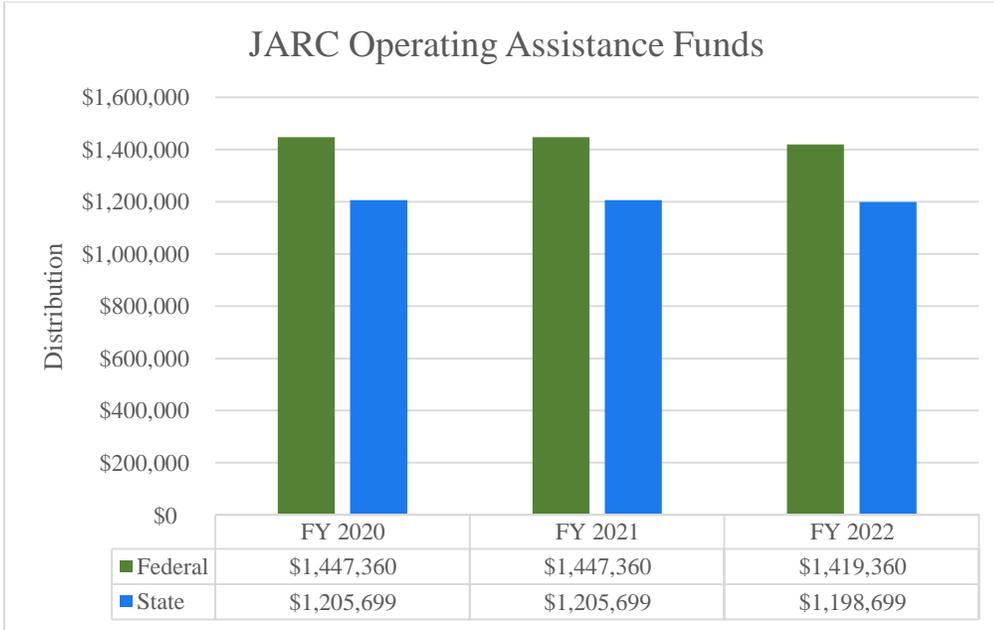
Figure 2: FTA Section 5311 Operating Assistance



Total FTA 5311 funds in FY 2020-2022 allocated totaled \$91,037,736.24.

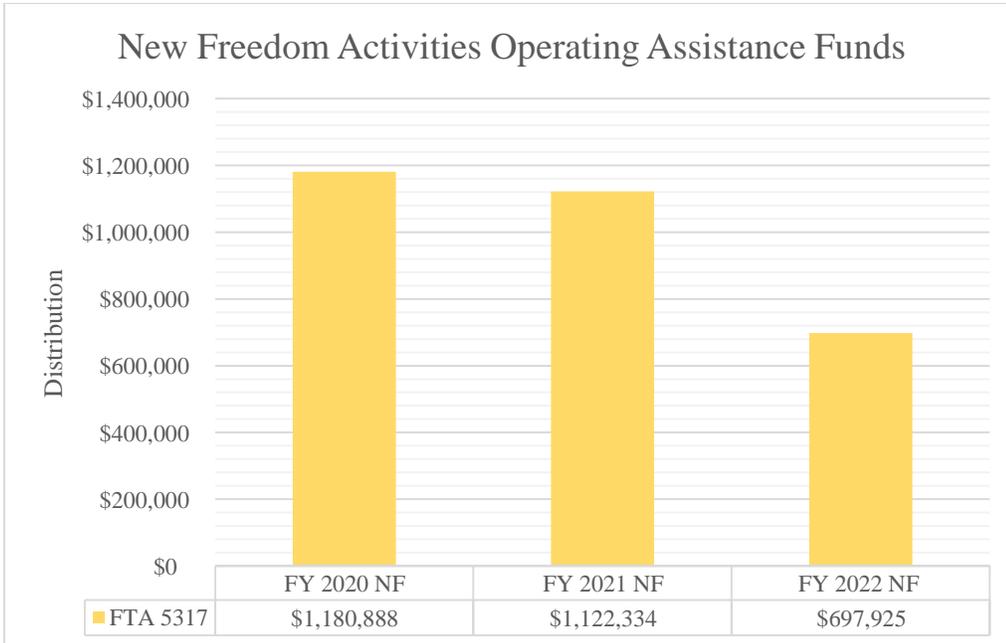
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Title VI Plan – Program Guidelines**

Figure3: JARC Operating Assistance for Rural Areas



Total Job Access Reverse Commute Program (JARC) funds in FY 2020-2022 allocated to Michigan rural communities totaled \$4,314,080. The State of Michigan contributed \$3,610,097 to match the federal funds.

Figure 4: New Freedom Activities Operating Assistance funds to Rural Areas FY 2020-2022



Total FTA funds for New Freedom activities in FY 2020-2022 allocated to Michigan rural communities totaled \$3,001,147.

MICHIGAN DEPARTMENT OF TRANSPORTATION

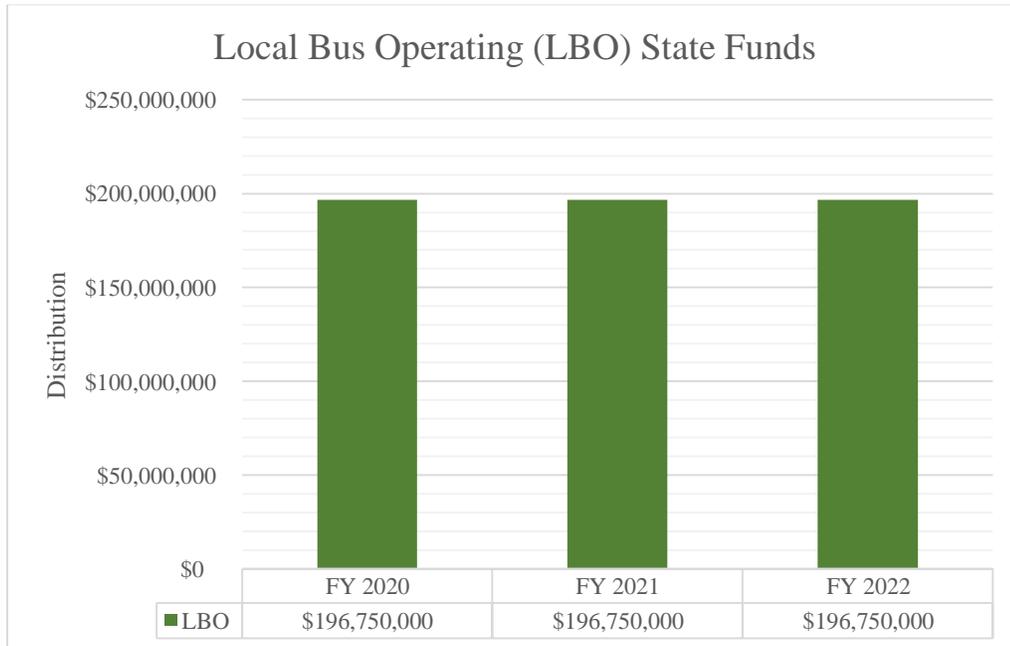
Title VI Plan – Program Guidelines

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 services. 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 provided \$12.3 million in funding to 58 specialized services agencies, but many of these agencies subcontract with smaller agencies that provide the transportation services.

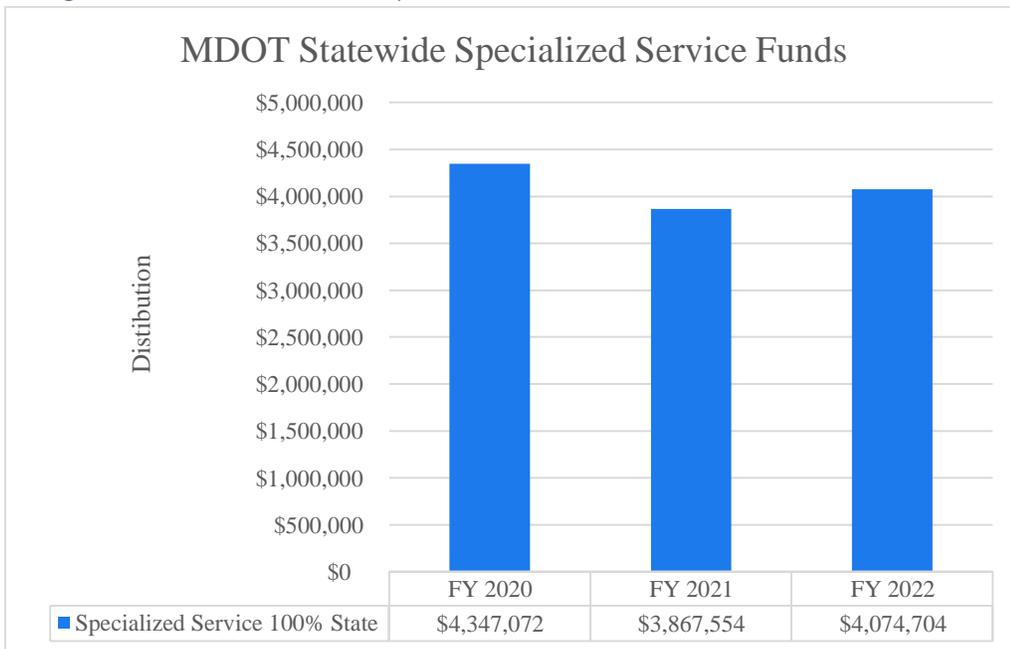
Figure 5: MDOT Operating Assistance (Local Bus Operating) for agencies that receive FTA Section 5311 and LBO



In FY 2020-2022, MDOT provided a total of \$590,250,000 from the CTF for Local Bus Operating (LBO) to rural agencies and agencies that receive both 5311 and LBO.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Figure 6: MDOT Statewide Specialized Services funds



In FY 2020-2022, MDOT provided a total of \$12,289,330 from the CTF for Specialized Service Operating (SSO) in Michigan.

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 people of color, low-income people, people 65 and older, people with disabilities, and households without vehicles in Michigan can be found in the maps in the next section.

Where FTA Funds are Allocated in Michigan

The Michigan Department of Transportation (MDOT) is committed to providing reliable, dependable, and affordable transportation options for people of color and low-income people in an equitable way that satisfies Title VI, EO 12898, and EO 14096 requirements. Thus, based on analysis of OPT financial data and census data, the evaluation findings show that the following proportions of transit equity priority groups live in MDOT EJ priority counties:

- 99.4 percent of the total Black or African American population
- 74.2 percent of the total American Indian and Alaskan Native population
- 98.6 percent of the total Asian population
- 91.0 percent of the total Native Hawaiian or Other Pacific Islander population
- 95.3 percent of the total population identifying as Some Other Race
- 93.6 percent of the total population identifying as Two or More Races
- 96.9 percent of the total Hispanic or Latino population

MICHIGAN DEPARTMENT OF TRANSPORTATION

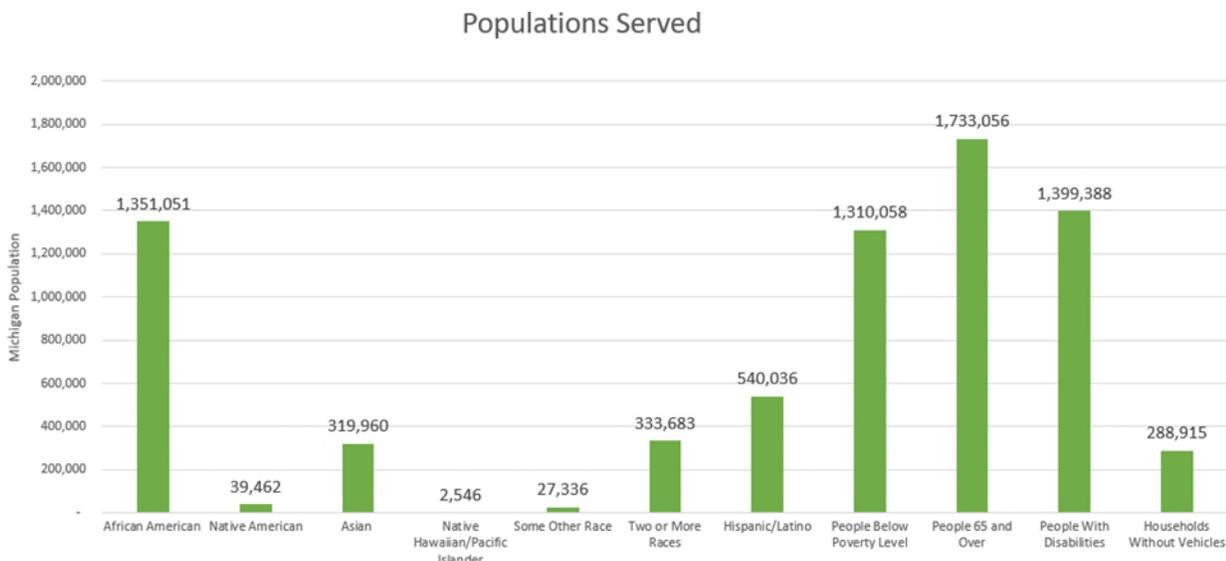
Title VI Plan – Program Guidelines

- 92.7 percent of the total low-income population
- 90.4 percent of the total population of people with disabilities
- 89.1 percent of the total population of people 65 and over
- 92.9 percent of the total households without vehicles

Based on analysis of the U.S. census data (2021 five-year ACS), the populations served by FTA grants allocated Michigan rural and small urban areas include approximately 1.4 million Black or African American people; 39,462 American Indian or Alaskan Native people; 319,960 Asian people; 2,546 Native Hawaiian or Other Pacific Islander people; 27,336 people identifying as Some Other Race; 333,686 people identifying as Two or More Races; and 540,036 Hispanic or Latino people.

In addition, approximately 1.3 million low-income people; 1.7 million people 65 and older; 1.4 million people with disabilities; and 288,915 households without vehicles are being provided transit services. The FTA grants allocated touch the lives of not only these groups but also all citizens living in these Michigan areas.

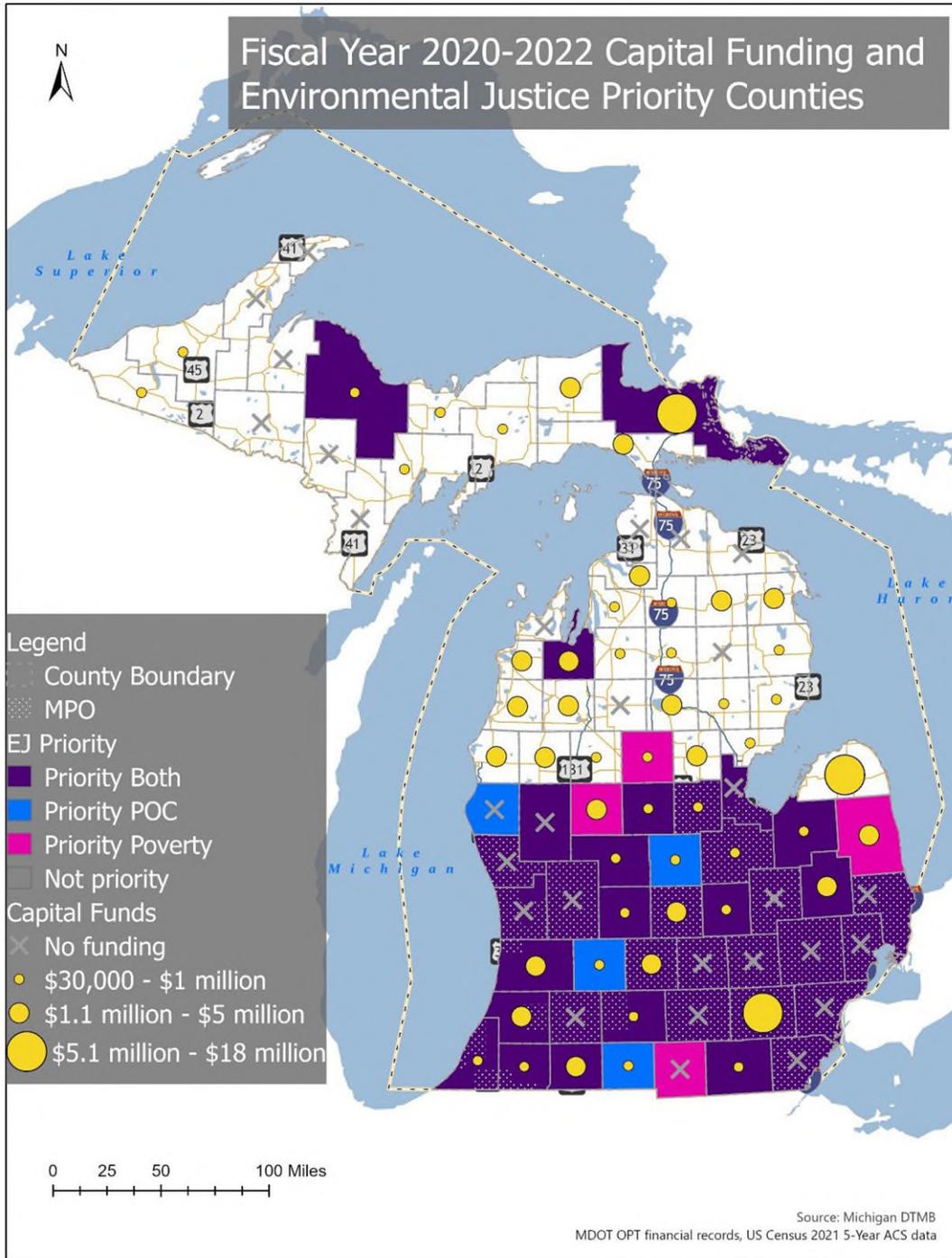
Figure 7: Populations Served by Transit Services in Michigan



Maps 1 through 8 below show the distribution of FTA and state funding to Michigan rural and small urban areas in FY 2020-2022.

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

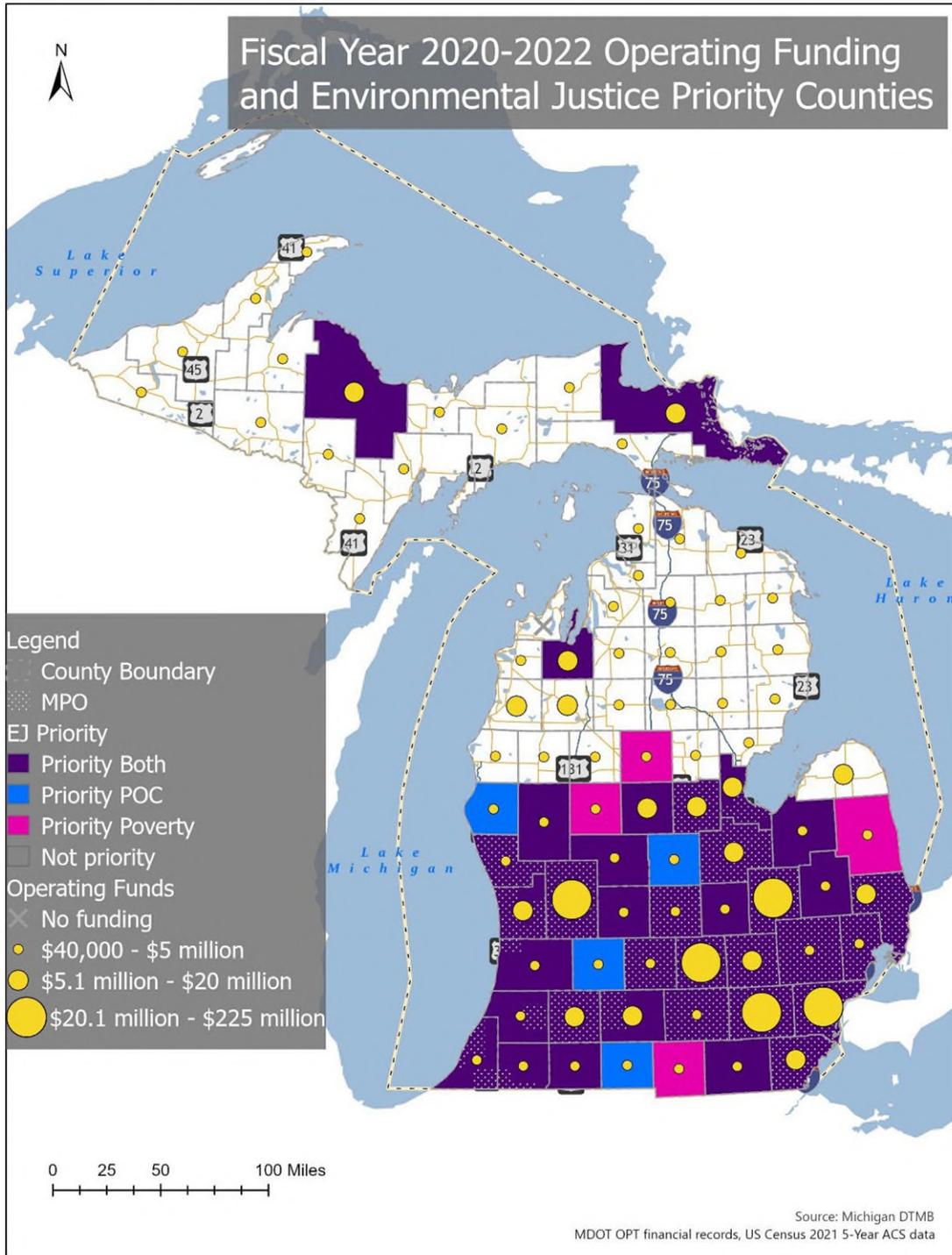
Map 1: FY 2020-2022 Capital Funding and EJ Priority Counties



In FY 2020-2022, 61.7 percent of capital funding for rural areas was distributed to EJ priority counties.

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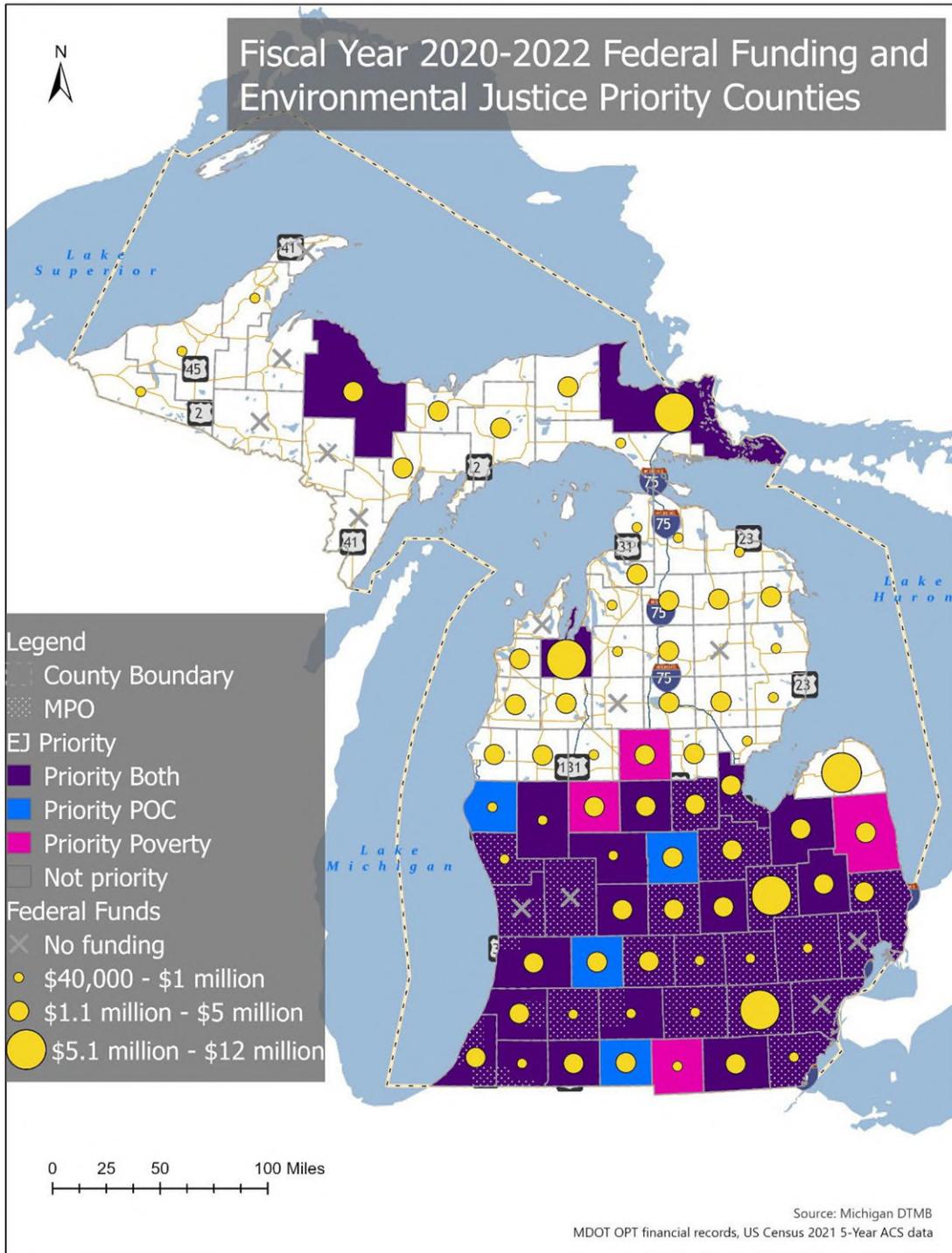
Map 2: FY 2020-2022 Operating Funding and EJ Priority Counties



In FY 2020-2022, 88.7 percent of operating funding for rural areas was distributed to EJ priority counties.

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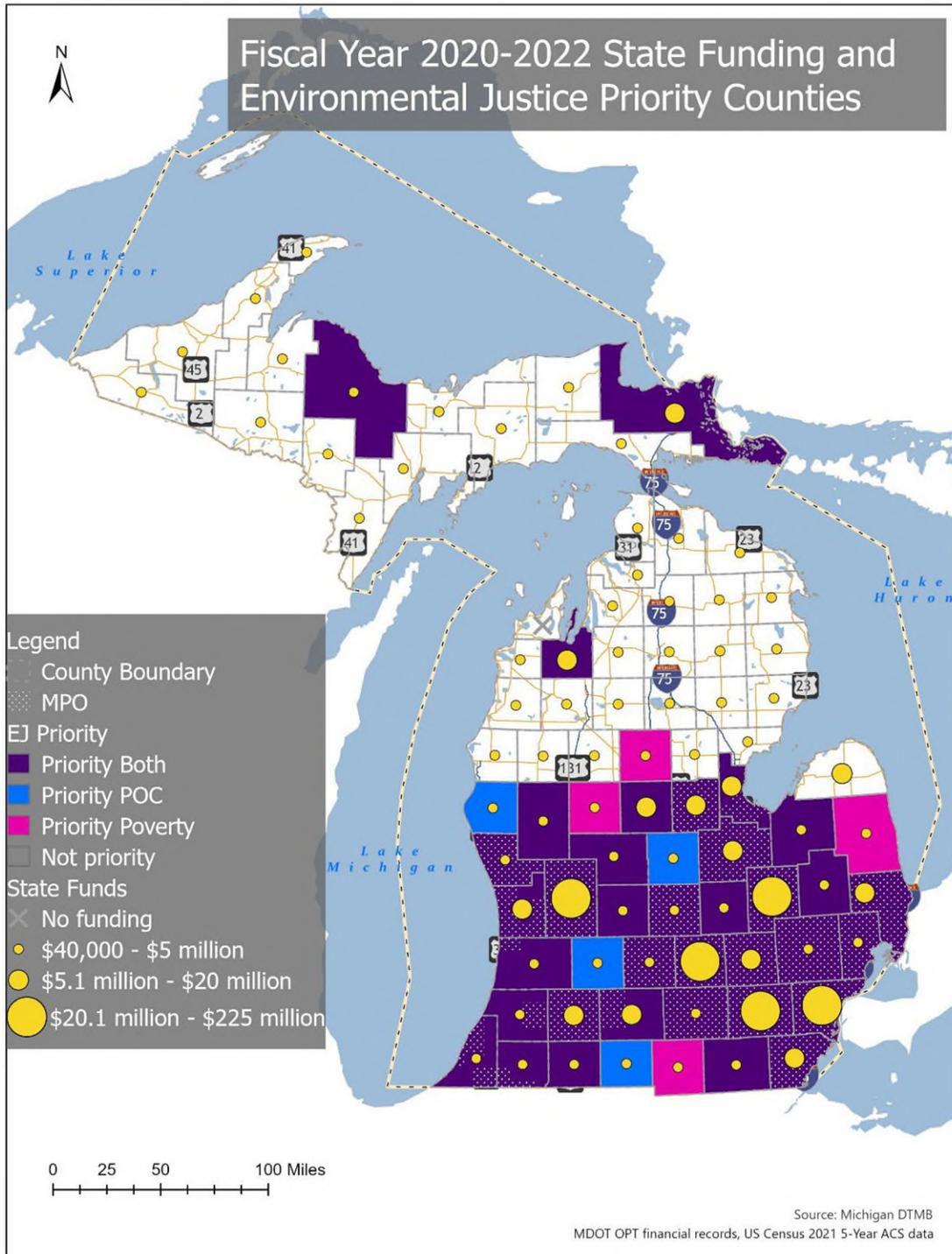
Map 3: FY 2020-2022 Federal Funding and EJ Priority Counties



In FY 2020-2022, 63.5 percent of federal transit funding for rural areas was distributed to EJ priority counties.

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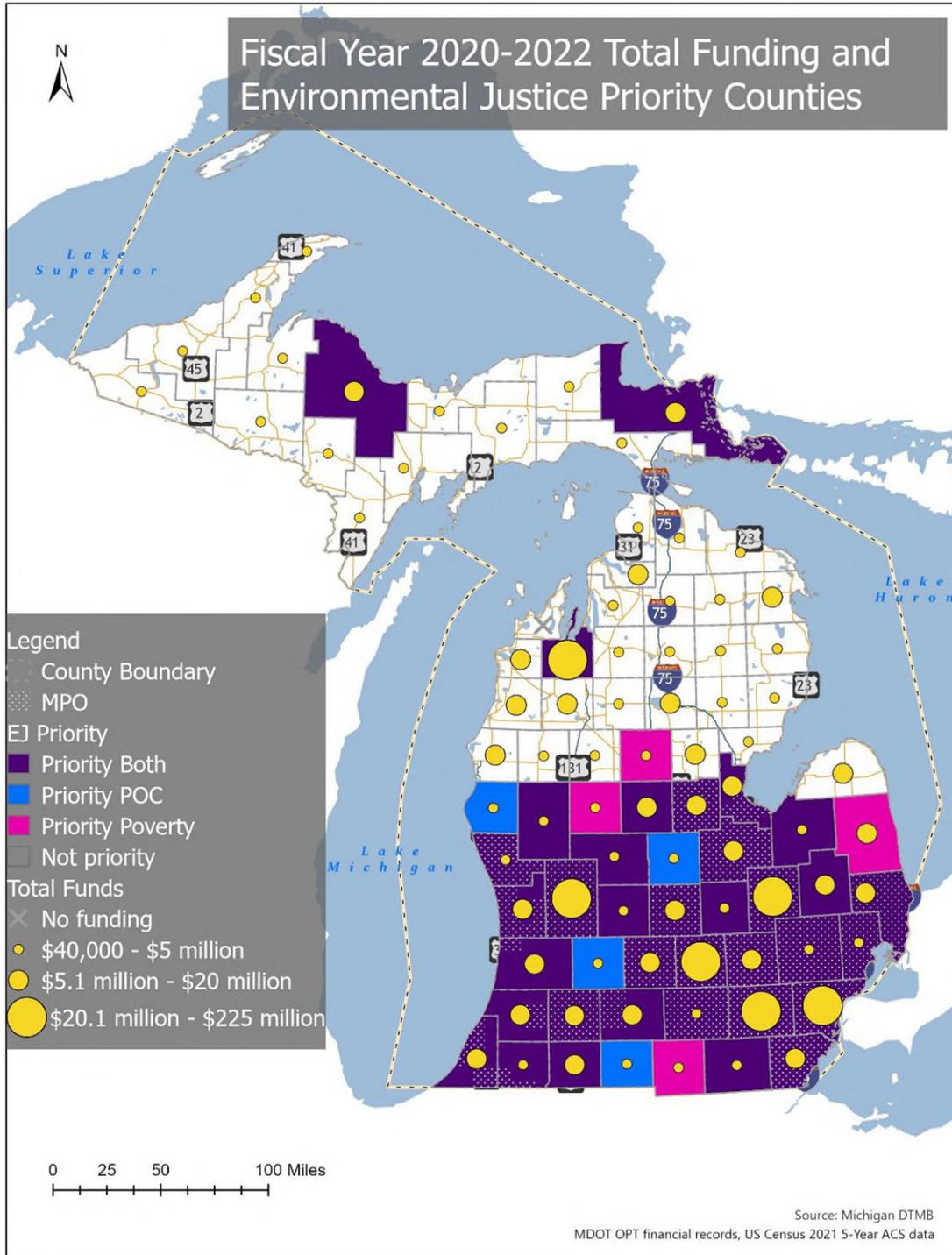
Map 4: FY 2020-2022 State Funding and EJ Priority Counties



In FY 2020-2022, 90.7 percent of state transit funding for rural areas was distributed to EJ priority counties.

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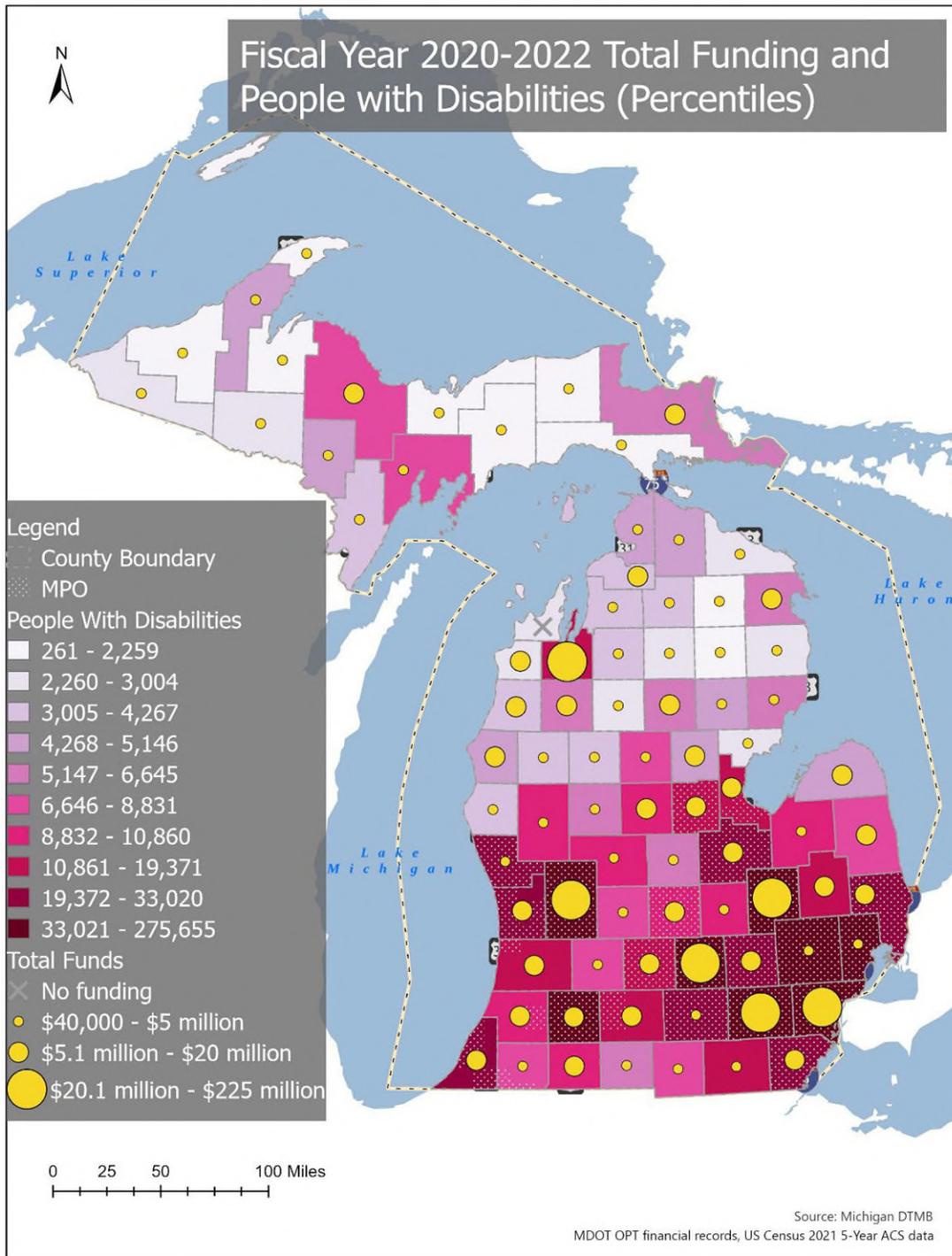
Map 5: FY 2020-2022 Total Funding and EJ Priority Counties



In FY 2020-2022, 85.9 percent of total federal and state transit funding for rural areas was distributed to EJ priority counties.

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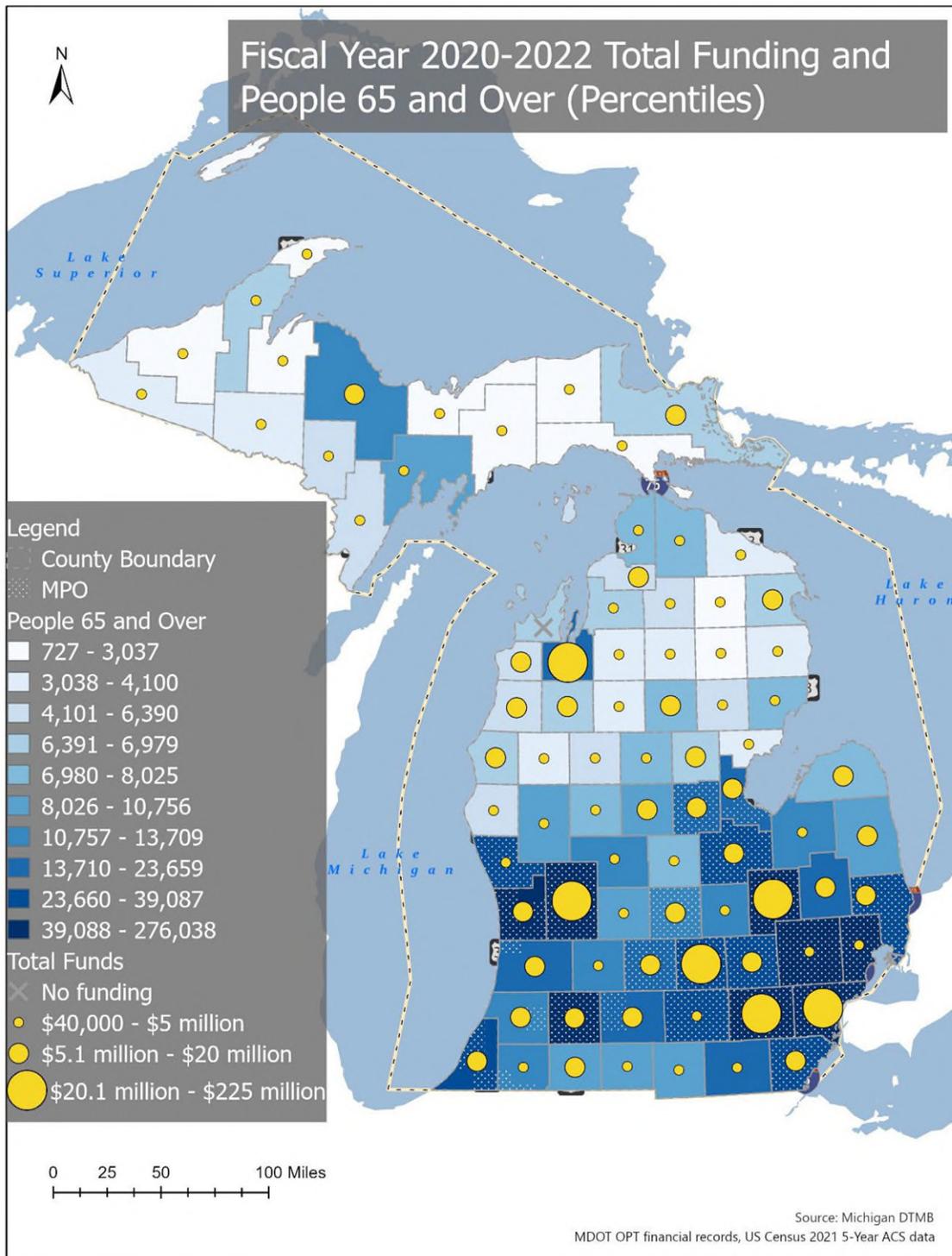
Map 6: FY 2020-2022 Total Funding and People with Disabilities



In FY 2020-2022, 83.0 percent of total federal and state transit funding for rural areas was distributed to counties above the 50th percentile for number of people with disabilities.

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Title VI Plan – Program Guidelines

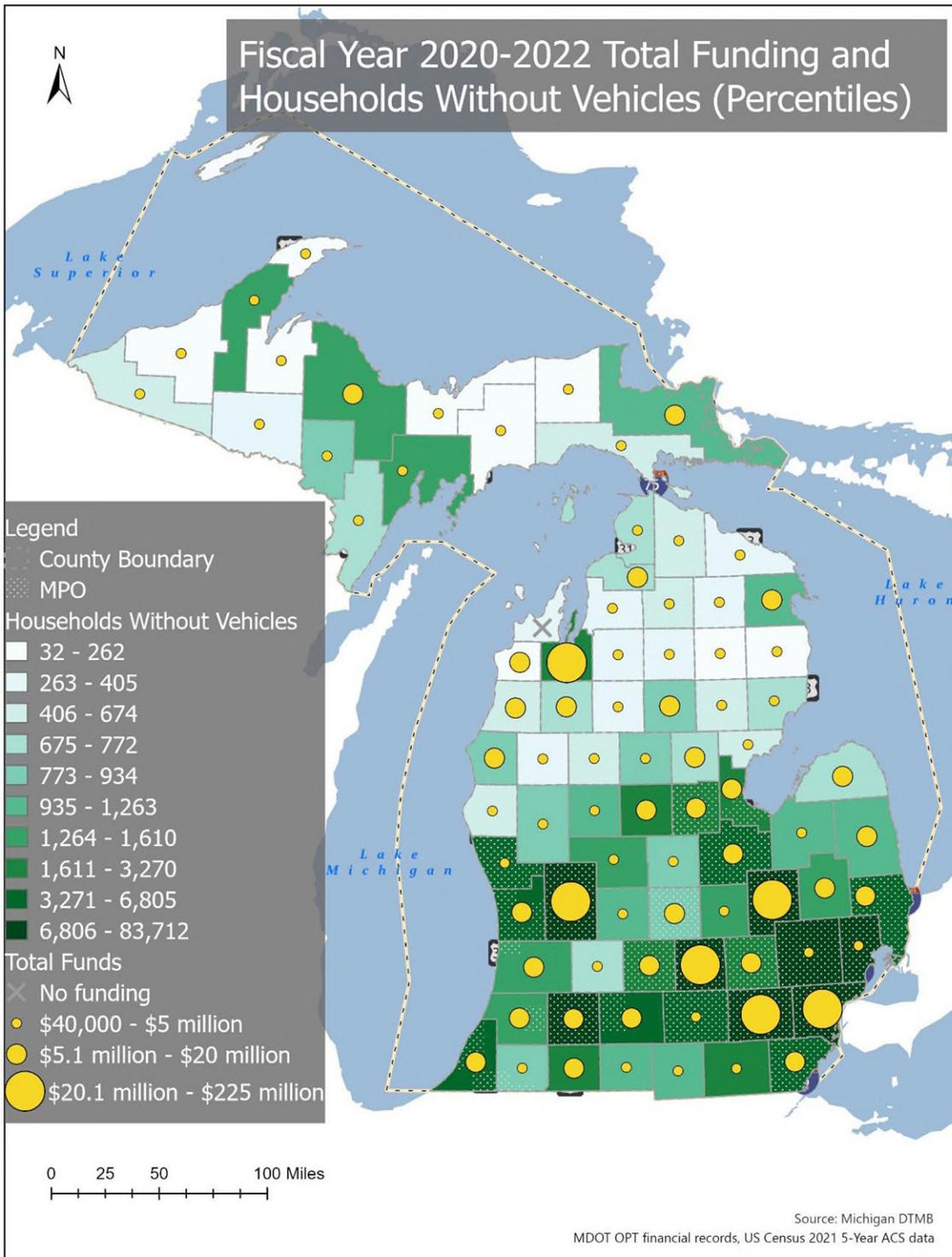
Map 7: FY 2020-2022 Total Funding and People 65 and Over



In FY 2020-2022, 83.0 percent of total federal and state transit funding for rural areas was distributed to counties above the 50th percentile for number of people age 65 and over.

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Title VI Plan – Program Guidelines

Map 8: FY 2020-2022 Total Funding and Households Without Vehicles



In FY 2020-2022, 84.9 percent of total federal and state transit funding for rural areas was distributed to counties above the 50th percentile for number of households without vehicles.

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Title VI Plan – Program Guidelines

➤ Conclusion

This analysis shows that the majority of federal (and state) transit funding for rural areas is allocated to EJ and equity priority counties where the majority of EJ and transit equity population groups live. Considering the goals set out in this evaluation, it can be reasonably concluded that FTA grants allocated in Michigan meet the federal requirements of Title VI and EO 12898/EO 14096 on EJ. The funding allocations address public transit needs for the provision of reliable, dependable, and affordable transit services for transit equity priority populations (as well as all people) in these rural and small urban areas, which is the paramount goal of Title VI, as well as EJ directives.

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Trends

Several on-going discussions at the federal and state levels 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.

Low- and no-emission vehicles:

Public transit is a contributor to greenhouse gas (GHG) emissions that contribute to climate change, poor air quality and negative health outcomes. To combat this, many transit agencies are adding low- or no-emission vehicles (battery electric, hydrogen fuel cells, compressed natural gas, propane) to their fleets, as well as creating the necessary related fueling/charging infrastructure.

MDOT efforts: MDOT received an FY 2020 federal Low- and No-Emissions Vehicle Program grant for electric vehicles and related infrastructure for six transit agencies. MDOT received an FY 2021 Low/No grant to support electric charging infrastructure at a new transit facility for Huron County. MDOT continues to pursue other funding opportunities to assist transit agencies in a transition to a greener fleet.

Equitable access: Technology plays a part in many customer-facing transit improvements, and those programs or services are typically accessible with a smartphone or computer. However, many transit users do not have access to smartphones or computers. Additionally, they may be unbanked, which can limit their ability to use programs that require linking to a credit card or bank account. When introducing new technology, transit agencies must look for ways to ensure that people without access to electronic devices or financial options are not excluded from the benefits that the technology is providing.

MDOT efforts: MDOT, in partnership with the Office of Future Mobility and Electrification, launched a Mobility Wallet Challenge grant program. Awards were made to three projects that will demonstrate mobility wallets in several areas of the state. The wallets allow third parties, such as human-service agencies, employers, and health providers, to load funds to clients' wallets to mitigate barriers to transportation. The projects also will have options for users who are unbanked or do not have access to smartphones or computers.

Mobility as a Service (MaaS): MaaS is a system that allows people to discover, plan, book, and pay for transportation services from a single platform. MaaS platforms have been deployed in a number of cities or regions around the country. At the most basic level, it provides people with information to connect to transportation providers in the area they wish travel. In more advanced versions, users can plan, book, and pay for trips across multiple providers or modes to carry out their complete trip.

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Title VI Plan – Program Guidelines

MDOT efforts: MDOT is working to create a statewide MaaS platform. A request for proposals to hire a company to develop the platform is expected to be issued in fall 2023, with deployment anticipated in late 2024.

Microtransit/on-demand transit: Microtransit, also called on-demand transit, is a technology-based transit service that provides flexible schedule and/or flexible-route services to meet the real-time needs of passengers. Passengers can request and book a ride in real time rather than the 24 or more hours typically required for demand-response transit. It's typically used by transit agencies to provide first-mile/last-mile connections; expand service availability by geography and/or days or hours of service, particularly in unserved or underserved areas; replace inefficient fixed-route service; test demand for new service; and improve existing demand response service by increasing efficiency, eliminating human error and reducing high cancellation or no-show rates.

MDOT efforts: Several transit agencies in Michigan have launched microtransit service, with capital and operating support from MDOT. MDOT also served on the Lead States Team for an American Association of State Highway and Transportation Officials (AASHTO) Innovation Initiative project on microtransit.

Mobility wallets: Mobility wallets provide a simplified payment system for transportation. Using a smartphone app or a smartcard, users can load cash value or connect the wallet to a bank account or credit card. Additionally, third parties, such as human-service organizations, health-care providers and employers, can load funds to their clients'/patients'/employees' wallets to reduce barriers to transportation to essential services and jobs. The wallets can be used to pay fares for transportation on multiple modes.

MDOT efforts: In 2023, MDOT, in collaboration with the Michigan Office of Future Mobility and Electrification, awarded grants to three projects to conduct mobility wallet pilots in several areas of the state.

Employee retention/recruitment: A 2022 America Public Transit Association survey found that 92 percent of responding transit agencies said they are having difficulty hiring new employees, and 66 percent indicated they are having difficulty retaining employees. The positions that were most difficult to fill were bus operators and maintenance. Shortages have caused agencies to cut service or delay planned service increases. Shortages also have diminished the reliability of service.

MDOT efforts: MDOT partnered with Washtenaw Community College to include a workforce development curriculum plan in MDOT's grant applications for the federal Low- or No-Emission Grant Program (not funded, to date). MDOT also has engaged with the Michigan Department of Labor and Economic Opportunity and the Michigan Economic Development Corp. on potential collaboration on programs those agencies have launched.