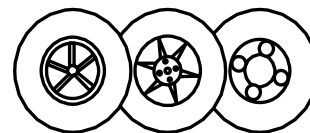


Title VI Plan

for the Battle Creek Area Transportation Study

**601 Avenue A
Springfield, MI 49037
phone: 269/963-1158
fax: 269/963-4951
e-mail: bcats@bcatsmpo.org
web: bcatsmpo.org**

September, 2011



BCATS

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Introduction

In FY 1981, the Battle Creek Area Transportation Study (BCATS) was reorganized as an Intermunicipality Committee under Michigan Public Act 200 of 1957. Prior to that time, the BCATS program had been part of the Calhoun County Planning Department since its initial organization in 1974. BCATS' goal is to assist in the development and preservation of a safe, effective, well-maintained, efficient, and economical transportation system for the Battle Creek metropolitan area which minimizes its negative impacts on the physical and social environments and related land use. BCATS recognizes its responsibility to provide fairness and equity in all of its programs and activities, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations, and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed by President Clinton in 1994, requires federal agencies to achieve Environmental Justice as part of their missions by identifying disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," also 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. In accordance with this Executive Order, BCATS has undertaken a Limited English Proficiency review, which is included later in this document.

As a sub-recipient of federal funds through the Michigan Department of Transportation (MDOT), BCATS is required to meet the provisions of the laws, statutes, and Executive Orders described above.

BCATS has developed this Title VI Plan to assure that programs and activities of BCATS are conducted and administered fairly, without regard to race, color, national origin, sex, age, or disability.

Policy Statement

The Battle Creek Area Transportation Study (also referred to as "BCATS") is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. BCATS assures that no person shall on the grounds of race, color, national origin, religion, sex, age, or disability, be excluded from participation in, be denied the benefit of, or be otherwise subjected to, discrimination under any BCATS program or activity, whether or not the program or activity receives federal financial assistance. BCATS further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs or activities on any person, including minority populations and low-income populations.

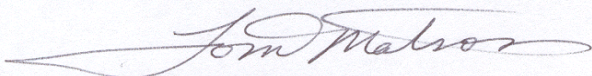
BCATS conducts its Title VI/Environmental Justice Program by involving all BCATS personnel. The Executive Director of BCATS has been identified as the Title VI Coordinator for BCATS and is responsible to ensure BCATS' compliance with the Title VI regulations.

BCATS will comply with all federal regulations and report complaints of discrimination to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer.

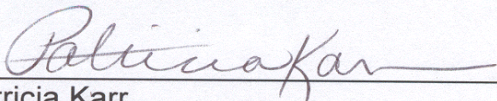
Inquiries concerning BCATS' policies, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI may be directed to: Title VI Coordinator, Battle Creek Area Transportation Study, 601 Avenue A, Springfield, MI 49037, phone 269-963-1158, fax 269-963-4951, or e-mail bcats@bcatsmpo.org.

This policy statement will be circulated throughout BCATS and will be included by reference in all contracts, agreements, and programs administered by BCATS.

Adopted by the BCATS Policy Committee on September 28, 2011.



Tom Matson, Chair
Battle Creek Area Transportation Study Policy Committee



Patricia Karr
Executive Director

USDOT TITLE VI ASSURANCE

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

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

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FHWA programs, and, in adapted form, in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000D to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, “as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under an FHWA program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved, under a FHWA program.

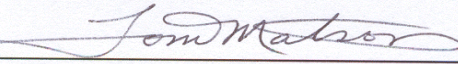
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipients or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

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

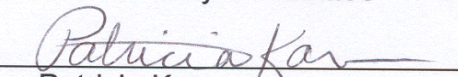
THIS ASSURANCE is given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient under the programs of the Federal Highway Administration (FHWA) and is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

Dated: 9/28/11

Battle Creek Area Transportation Study
Recipient

By: 

Tom Matson, Chair
Battle Creek Area Transportation Study
Policy Committee

By: 

Patricia Karr
Executive Director

Title VI Authorities

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

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex 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 (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

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

Federal Aid Highway Act of 1973, 23 USC 323: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO 12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and

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

EO 13166: Improving Access to Services for Persons with Limited English Proficiency.

Contract Assurances

The assurances required to be included in all contracts are included in Appendices A-D of this document.

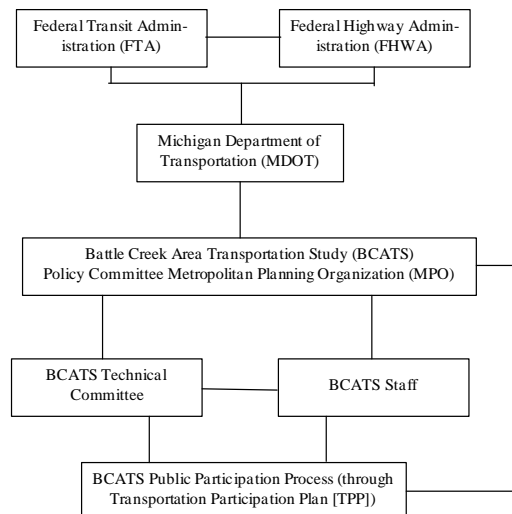
Regulatory Requirements

The regulatory requirements set forth in 23CFR 200.9 are directed at state departments of transportation. There are several aspects of those requirements that are, in turn, required of sub-recipients as directed by MDOT, and these are covered in other portions of this document.

Structure for Organizational Oversight and Compliance

The BCATS' Organizational Chart is shown below. The Policy Committee is the governing body of BCATS, with a Technical Committee providing advice and support to both the Policy Committee and to staff. As of 9/1/11, the BCATS staff consists of two positions, the Executive Director and the Principal Transportation Planner. The Executive Director has been designated as the Title VI Coordinator for BCATS. The Policy Committee of BCATS is the policy-making body which makes decisions about agency responses and actions regarding any issues of discrimination under Title VI.

**BATTLE CREEK AREA TRANSPORTATION STUDY
(BCATS)
ORGANIZATIONAL CHART**



Programmatic Roles and Responsibilities

Designation of Staff Responsible for Title VI Compliance -

As of September 1, 2011, the following Battle Creek Area Transportation Study staff are assigned to Title VI Compliance:

Title VI Coordinator: Patricia Karr
Executive Director
Battle Creek Area Transportation Study
601 Avenue A, Springfield, MI 49037
Phone: 269/963-1158
Fax: 269/963-4951
e-mail: bcats@bcatsmpo.org

The Title VI coordinator for BCATS is responsible for ensuring the implementation and monitoring of the Title VI Plan. Other Title VI responsibilities of the coordinator include:

- process Title VI complaints received by BCATS
- compile and collect, as needed, statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of BCATS plans and programs (including the Metropolitan Transportation Plan and the Transportation Improvement Program)
- conduct reviews of Title VI program areas as necessary to determine the effectiveness of the program at all levels
- review internal policies and, where applicable, incorporate procedures to ensure compliance with Title VI
- submit sub-recipient annual certification form to MDOT
- attend training on Title VI, as made available

Title VI Plan Distribution

BCATS' Title VI coordinator is responsible for making the BCATS' Title VI Plan available to the public in hard copy and on its website at www.bcatsmpo.org. The availability of the Plan will be highlighted in the next edition of the BCATS' newsletter, "The Signal", after the updated Title VI Plan is adopted. This will provide notice to community groups, tribal government, and a wide range of organizations, as well as the general public.

Accomplishment Report

The BCATS Title VI coordinator will complete and submit the annual certification form to MDOT each year along with any other material requested by MDOT as relates to accomplishments for the year.

Annual Work Plan

Completion of Title VI work is included as part of the annual Unified Work Program (UWP) which is developed by BCATS.

The BCATS Executive Director shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan, and assurances. BCATS has also developed a Public Involvement Plan (PIP) which is used in conjunction with the Title VI program and is included by reference. In addition, BCATS conducts Environmental Justice Analysis for both its 20-year Metropolitan Transportation Plan and its Transportation Improvement Program when those projects are in development.

There will only be Title VI compliance reviews on sub-recipients when BCATS contracts with consultants, etc. to carry a portion of its program.

Title VI Plan Updates will be completed when conditions change which impact the provisions of the adopted Plan, or when MDOT requires an update. Updates will be submitted to the Michigan Department of Transportation.

BCATS develops the metropolitan planning organization's (MPO's) input into the State Transportation Improvement Program (STIP) and the State's 5-year Plan. The MPO is also responsible for developing a 20-Year Transportation Plan and the 4-year Transportation Improvement Program (TIP), as noted above, to meet present and future needs for safe, adequate, and efficient transportation. Planning activities also encompass clean air issues, safety, pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies, and training and technical assistance for communities. The planning area for BCATS encompasses: City of Battle Creek, City of Springfield, Charter Townships of Bedford, Pennfield and Emmett and the Townships of Leroy and Newton.

Complaint Procedures

Introduction

The Title VI and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Battle Creek Area Transportation Study's (BCATS') programs and activities, as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by BCATS for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964, and related statutes.

Roles and Responsibilities

The Title VI Coordinator of BCATS has overall responsibility for the discrimination complaint process and procedures.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Filing Complaints

Applicability

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

Eligibility

Any person who believes that s/he has been excluded from participation in, or denied benefits or services of, any program or activity administered by BCATS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI and Related Statutes.

Time Limitation and Filing Options

Title VI complaints of discrimination may be filed with:

- BCATS
- the Michigan Department of Transportation
- the U.S. Department of Transportation
 - Federal Highway Administration
 - Federal Transit Administration

In all situations, BCATS employees must contact the Title VI Coordinator of BCATS immediately upon receipt of a Title VI or related statutes complaint.

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

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a BCATS employee, or other person authorized to receive complaints on behalf of BCATS, that person shall interview the person. If necessary, the authorized person will assist the person in writing out the complaint for the person, or the person's representative, to sign.

Complaint Processing

Initial Contact

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

- an explanation of their filing options
- a Title VI and Related Statutes Discrimination Complaint Form

Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

The Complaint Process/Investigation

The BCATS Title VI Coordinator, or her/his designee, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction. The complaint is then forwarded to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer. Additionally, a copy of the complaint will be forwarded for review to both the legal counsel and liability insurance provider contracted

by the Battle Creek Area Transportation Study. If a Title VI complaint is received on a Michigan Department of Transportation (MDOT) related contract against the Battle Creek Area Transportation Study (BCATS), MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a complaint filed against BCATS, the complaint and any pertinent information should immediately be forwarded to MDOT, Office of Civil Rights Programs.

When the complaint is forwarded to the Michigan Department of Transportation Civil Rights Program Unit Equal Employment Opportunity (EEO) Officer, the Title VI Coordinator will notify the individual, group of individuals, or entity (that believes they have been subjected to discrimination) of the forwarding of the complaint within five business days of the day the complaint is sent on to MDOT.

It is the responsibility of the Title VI Coordinator to maintain files of all correspondence regarding any complaints filed.

Once BCATS is notified of the report findings from the Michigan Department of Transportation Civil Rights Program Unit regarding a complaint, BCATS will determine its response to the findings. All parties will be properly notified of the outcome and their right to appeal the Michigan Department of Transportation Civil Rights Program Unit EEO Officer's findings report.

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.

TITLE VI COMPLAINT FORM

This form may be used to file a complaint with the Battle Creek Area Transportation Study (BCATS) based on purported violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information is sufficient to file your complaint.

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

*If you need assistance completing this form due to a physical impairment, please contact us by phone at (269)963-1158, FAX (269)963-4951, or e-mail: bcats@bcatsmpo.org
Only the complainant or the complainant's designated representative should complete this form.*

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Home _____ Work _____ Fax _____

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Home _____ Work _____ Fax _____

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): _____

Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date of discrimination _____

Alleged discrimination:

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

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

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled *sex* and write *female* in the space provided.

- Race/Color _____ Religion _____
 National origin _____ Age _____
 Sex _____ Disability _____

Explain:

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

_____ Signature _____ Date

Note: The laws enforced by this organization prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. Please inform the Title VI Coordinator at BCATS, or the Michigan Department of Transportation Civil Rights Program Unit Equal Opportunity (EEO) Officer, if you experience perceived retaliation or intimidation in relation to the filing of this complaint.

Limited English Proficiency Review

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

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

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

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

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

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

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

The intent of the DOT’s guidance is to suggest a balance that ensures meaningful access

by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The Four-Factor Analysis

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

Information is available from the 2000 U.S. Census which defines the number of persons who speak languages other than English, including their proficiency with English as well as their native language. In 2000, the Census Bureau had a range of four classifications of how well people speak English. The classifications were “very well”, “well”, “not well”, and “not at all.” For the purposes of this analysis, persons that speak English “not well” or “not at all” are considered as Limited English Proficient (LEP) persons. The information below indicates the 2000 data available to determine the numbers of persons falling to these categories.

Population Breakdown for the BCATS Area

(Source 2000 U.S. Census)

	<u>#</u>	<u>Percent</u>
Total:	94,695	100
White:	77,341	81.7
Black:	11,724	12.0
American Indian/Alaska Native	636	.7
Asian	1,379	1.5
Native Hawaiian/Other Pacific Islander	22	.02
Some other Race	1,434	1.5
Two or More Races	2,159	2.3
Hispanic	3,261	3.4

Ability to Speak English for Population over 5 years of age - BCATS area

(Source 2000 U.S. Census)

Speaking English “Not Well” or “Not at all”

	<u>Age 5-17</u>	<u>Age 18-64</u>	<u>Age 64 and over</u>	<u>Total</u>	<u>%</u>
Spanish speakers	144	431	13	588	.6
Asian/Pacific Island speakers	19	190	0	209	.2
Indo/Europ. speakers	<u>7</u>	<u>41</u>	<u>6</u>	<u>54</u>	.06
TOTAL	170	662	19	851	.9

Overall percent of persons in BCATS area with limited English proficiency - .9%

The threshold for addressing Limited English Proficiency is 1,000 population or 5% of total

population per language group. Within the BCATS area, these thresholds were not met based on the 2000 Census figures.

Although the thresholds were not met for any language group, BCATS will continue to monitor the possible LEP needs of various groups.

It is expected that the Hispanic population will show an increase in the BCATS area once 2010 U.S. Census figures are evaluated. However, the lack of a “long-form” in connection with the 2010 Census will not allow for the language proficiency data to be directly connected to the population data of the 2000 decennial census.

The language proficiency data is now being collected under the “American Community Survey” (ACS) program. The criteria for identifying an individual as having limited English proficiency has also apparently changed under this alternative data collection program. Instead of only including those who speak English “not well” and “not at all” (as was the case with the 2000 Census), the ACS now includes anyone who responds that they speak English anything less than “very well” as not being proficient in English. The implication is that those who answered that they spoke English “well” on the 2000 Census are now being classified with the less proficient speakers. This very well may dramatically increase the number of persons reported with “limited English proficiency” but may actually over-represent the true need for language assistance.

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

BCATS programs and projects are evaluated in relationship to the number of persons who are within the program or project area and the number of times they frequent the activities. For public meetings, a sign-in sheet has traditionally been used to determine public participation. Since BCATS has had no history of individuals requiring language assistance with its activities, a new step is being taken to track any such individuals. An additional sign-in sheet has been added for BCATS sponsored meetings in order to track the demographic characteristics of public participation. A copy of the added form is included in Appendix F (Forms).

Programs, services, and activities of BCATS that have the potential to impact LEP persons in the BCATS area include, but are not limited to:

- development activities for the 20-year transportation plan and Transportation Improvement Program, including public engagement meetings and/or hearings
- BCATS website presence
- development activities for the Public Participation Plan and other programs of BCATS
- phone communications with the BCATS office
- in-person interaction with the BCATS office

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

BCATS supports cooperative, comprehensive, and continuing transportation planning as outlined as responsibilities of a Metropolitan Planning Organization (MPO) in federal transportation acts. In doing so, BCATS develops three (3) main documents: the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), and the Unified Work Program (UWP), and as needed other plans and programs. The MTP provides direction for BCATS' area transportation improvements out to twenty (20) years in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UWP outlines tasks to be performed in the upcoming year. The plans and programs of BCATS are important to all residents in the BCATS area (including LEP persons) in that the federally funded transportation services they can expect to utilize in the future are selected for implementation and funding through the BCATS program.

Factor 4: The Resources Available to BCATS and the Overall Cost to provide LEP assistance.

Funds available for LEP services would be derived from the existing federal planning grants and associated local matching funds which are utilized to conduct the current metropolitan planning program. The BCATS area does not meet the LEP population thresholds at this time. According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*, December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*"

Providing Notice to LEP Persons

USDOT LEP guidance states:

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

The four factor analysis BCATS has conducted indicates that BCATS meets the "Safe Harbor" stipulation and therefore is not required to translate any vital documents into a foreign language. If requested, BCATS will provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

Proposed Actions

BCATS will publish the LEP Review as part of the approved Title VI document on its website for public information.

BCATS will include an article about the development of the Title VI Plan (including the LEP Review) in the next issue of its agency newsletter, "*The Signal*." This will reach community organizations, governmental entities, neighborhood groups, and other interested persons.

BCATS includes a non-discrimination notice in its documents, materials, and on its website.

When available and reasonable, BCATS staff will attend training sessions addressing services to LEP persons.

LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will all be handled using the same complaint procedures and process as outlined in the Title VI Plan Complaint Procedures (see pages 11-15). Questions or comments regarding the LEP Plan/Title VI Plan should be directed to the Title VI Coordinator, Battle Creek Area Transportation Study, 601 Avenue A, Springfield, MI 49037, phone: 269/963-1158, fax: 269/963-4951, e-mail: bcats@bcatsmpo.org.

APPENDICES

APPENDIX A

Appendices to Contracts - Standard Title VI Assurances

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

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter “DOT” Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** the Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitation for Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation and/or the Battle Creek Area Transportation Study, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, BCATS shall impose such contract sanctions as it or the Michigan Department of Transportation may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination, or suspension of the contract, in whole, or in part

- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as BCATS or the Michigan Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such directions, the contractor may request BCATS to enter into such litigation to protect BCATS, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

Transfer of Property

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

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Michigan Department of Transportation, its successors and assigns. The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Michigan Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C

Permits, Leases and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add, “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of , or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

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

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX D

Prohibition of Discrimination in Contracts

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

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

investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

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

Revised June 2011

APPENDIX E

Definitions

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

Adverse Effects: The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of , reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.

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

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

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

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

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

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

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

Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that:

is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.

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

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

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

MPO: Metropolitan Planning Organization (considered a sub-recipient).

Minority:

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

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

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

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

White – a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

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

Non-compliance: A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

Persons: Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional sub-categories based on National origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

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

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

Recipient: Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

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

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

STIP: A four-year, Statewide Transportation Improvement Program (STIP) that includes MDOT's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Michigan.

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

TIP: A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

APPENDIX F
Forms

TITLE VI COMPLAINT FORM

This form may be used to file a complaint with the Battle Creek Area Transportation Study (BCATS) based on purported violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information is sufficient to file your complaint.

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

*If you need assistance completing this form due to a physical impairment, please contact us by phone at (269)963-1158, FAX (269)963-4951, or e-mail: bcats@bcatsmpo.org
Only the complainant or the complainant's designated representative should complete this form.*

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Home _____ Work _____ Fax _____

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Home _____ Work _____ Fax _____

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): _____

Address: _____

City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date of discrimination _____

Alleged discrimination:

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

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

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled *sex* and write *female* in the space provided.

- Race/Color _____ Religion _____
 National origin _____ Age _____
 Sex _____ Disability _____

Explain:

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

_____ Signature _____ Date

Note: The laws enforced by this organization prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. Please inform the Title VI Coordinator at BCATS, or the Michigan Department of Transportation Civil Rights Program Unit Equal Opportunity (EEO) Officer, if you experience perceived retaliation or intimidation in relation to the filing of this complaint.

**TITLE VI PUBLIC INVOLVEMENT RECORD SHEET
Battle Creek Area Transportation Study (BCATS)**

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

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

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

Any questions or concerns about this record sheet may be addressed to Patricia Karr, Executive Director, BCATS, at (269)963-1158, or e-mail: karrp@bcatsmpo.org.

Meeting Type: _____ Location of Meeting: _____

Date of Meeting: _____ Staff in Attendance: _____

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

	List Zip Code	Indicate Male (M) Female (F)	White	African American	Hispanic/ Latino	Asian	2 or more Races	Native American	Other	Limited English? Yes or No
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										

THANK YOU FOR YOUR PARTICIPATION!