

**Genesee County
Metropolitan Planning Commission
(GCMPC)**

**Title VI
Non-Discrimination
Plan**

**1101 Beach St., Rm. 111
Flint, MI 48502**

**Title VI Coordinator:
Christine Durgan, Assistant Director
Phone: (810) 257-3010
Fax: (810) 257-3185
E-mail: CDurgan@geneseecountymi.gov**

Adopted: October 1, 2013

**Updated:
February 9, 2021**

**Updated:
March 5, 2024**

Table of Contents

I. INTRODUCTION	1
Discrimination under Title VI.....	3
Limited English Proficiency.....	3
Environmental Justice.....	3
II. GCMPC NON-DISCRIMINATION POLICY STATEMENT	4
III. GCMPC TITLE VI ASSURANCES	5
IV. REGULATORY REQUIREMENTS	7
Related Laws and Statutes.....	8
V. DEFINITIONS	9
VI. STRUCTURE FOR ORGANIZING OVERSIGHT AND COMPLIANCE	11
VII. PROGRAMMATIC ROLES AND RESPONSIBILITIES	12
A. GCMPC Title VI Coordinator/Equal Employment Opportunity Officer.....	12
B. GCMPC Transportation Division.....	13
C. GCMPC Community Development Division.....	13
VIII. TITLE VI PLAN DISTRIBUTION	14
IX. ACCOMPLISHMENTS REPORT	14
X. ANNUAL WORK PLAN	14
XI. COMPLAINT PROCEDURES	15
Complaint Reporting.....	15
Investigations.....	16
Retaliation.....	18
XII. APPENDICES	20
Appendix A – Required Contract Languages.....	21
Appendix B – Transfer of Property.....	22
Appendix C – Permits, Leases and Licenses.....	24
Appendix D – Title VI Complaint Form.....	25
Appendix E – Program Compliance/Program Review Goals for Current Plan Year.....	27
Appendix F – Determine/Distinguish Significant/Non-Significant Effects.....	28

I. Introduction

The Genesee County Metropolitan Planning Commission (GCMPC) was established by ordinance in 1965 and was authorized and empowered by Act 282 of the Public Acts of 1945, as amended (MCLA125.101 et seq.). Many of the day-to-day operations and work activities of federal, state, and local transportation and community development programs are administered by the GCMPC. It consists of eleven members, appointed for three-year terms by the chairperson of the Genesee County Board of Commissioners. Eight county or local elected officials may serve on the GCMPC; of the eight, no more than three may be members of the Board of Commissioners. The GCMPC functions as staff to the Genesee County Metropolitan Alliance also known as "Metro", the Metropolitan Planning Organization (MPO) for the Genesee County area.

The Metro Alliance is the policy and final decision-making committee for federally funded transportation planning activities in Genesee County. As the MPO, Metro's primary responsibility is to review and oversee transportation projects, plans, studies, and the processes that make them happen. GCMPC has provided staff and technical resources to the MPO since 1963. This Title VI Plan describes how GCMPC and Metro comply with Civil Rights legislation and principles.

Currently there are three major program divisions administered by GCMPC: Transportation, Community Development and Solid Waste Management. As staff for the MPO, GCMPC is responsible for carrying out all transportation-related planning activities including the preparation of a Unified Work Program (UWP), Transportation Improvement Program (TIP), and the development of the Long-Range Transportation Plan (LRTP). The transportation program receives federal funds through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

GCMPC is also responsible for carrying out all planning activities related to the community development program, such as the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program. These programs receive federal funds through the U. S. Department of Housing and Urban Development (HUD).

Additionally, staff coordinates the Genesee County Solid Waste Management Program, which is guided by the Solid Waste Management Plan. This plan is a requirement of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and is approved by the Michigan Department of Environmental Quality. The Genesee County Solid Waste Ordinance is in place to implement the plan. The local funds collected by the ordinance support the administration of the plan. This program receives no federal funding.

The planning efforts of GCMPC serve all the people within the MPO area including minority populations, low-income populations, the elderly, and persons with disabilities and those who traverse the state of Michigan. As a sub-recipient of federal funds, GCMPC recognizes its responsibility to provide fairness and equity in all its programs, services, and activities, and that it must abide by federal and state civil rights legislation relating to transportation and community development.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law prohibiting 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 activities receiving federal assistance.” Title VI has been broadened by related statutes, regulations, and executive orders. Section 324 of the Federal-Aid Highway Act (the enabling legislation of the FHWA) prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects 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 in February of 1994, requires federal agencies to achieve Environmental Justice (EJ) as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation projects within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low- Income Populations to summarize and expand upon the requirements of Executive Order 12898. Also, Executive Order 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, GCMPC must provide access to individuals with limited ability to speak, write or understand the English language. GCMPC will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin. Therefore, the primary goals of GCMPC’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 people affected by GCMPC programs and activities receive the services, benefits and opportunities to which they are entitled without regard to race, color, national origin, age, sex or disability.
3. To prevent discrimination in GCMPC programs and activities, whether those programs 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, age, sex or disability; or on minority populations, low-income populations, the elderly, and persons with disabilities.

5. To establish procedures to annually review the Title VI compliance within specific program areas within the GCMPC.
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 a GCMPC service, program, or activity.

Discrimination under Title VI

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

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

Limited English Proficiency (LEP)

Genesee County is home to many people from different cultures that may speak different languages. Input from diverse communities is an important part of the transportation planning process as they offer different perspectives and backgrounds, introduce creativity and innovation, and contribute to a strong economy. GCMPC recognizes its responsibility to ensure persons having 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 are developed.

GCMPC is committed to ensuring persons having language barriers are made equal participants early in the development stages and through the life of a program, service, or activity and that the public is allowed to provide input on those projects or plans that may have an impact on their wellbeing. It is the intent of GCMPC to ensure fairness, equal opportunity, inclusion, and access by actively seeking input from people who do not speak English or have difficulty communicating in English, regarding quality-of-life issues that directly affect them. The GCMPC LEP Plan is located on the gcmpr.org website, at the bottom of each webpage.

Environmental Justice

GCMPC monitors projects and programs prior to implementation that may have an adverse impact on the public and communities as part of the development of the TIP and LRTP. GCMPC also regularly seeks public involvement and participation to identify, discuss and mitigate potential adverse impacts related to the environment, air quality, congestion and other situations from projects that may concern communities directly or indirectly as part of the planning process. The GCMPC approach to EJ is reviewed during the development of both the TIP and LRTP transportation planning documents. More information about the GCMPC methodology for addressing EJ may be found in those documents, and in the appendices of this document.

II. GCMPC Non-Discrimination Policy Statement

The Genesee County Metropolitan Planning Commission (GCMPC) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. GCMPC 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 GCMPC service, program, or activity, whether or not the program, service, or activity receives federal financial assistance. GCMPC further assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on any person, including minority populations, low-income populations, the elderly, persons with disabilities and all affected Title VI populations.

Title VI is a condition of receipt of federal funds. In the event GCMPC distributes federal funds to another entity or sub-recipient (e.g., a contract with a consultant), the sub-recipient will include Title VI assurances in all written agreements and will monitor compliance. GCMPC is responsible for initiating and monitoring Title VI activities and all other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

GCMPC will comply with all federal regulations and report complaints of discrimination to the Michigan Department of Transportation (MDOT) Equal Employment Opportunity/Title VI Specialist Officer and any other federal agency responsible for compliance oversight, including the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Department of Justice (DOJ), and other state and federal civil rights anti-discrimination agencies as required by law. Complaints will be responded to and investigated by the FHWA and MDOT Equal Employment Opportunity/Title VI Specialist.

GCMPC hereby agrees that its own employment practices and policies regarding GCMPC employees (any part of whose compensation is reimbursed from federal funds) will be without regard to race, color, national origin, sex, age, disability, weight, sexual orientation, familial status, or religion.



3/5/24

Derek Bradshaw, Director



3/5/24

Christine A. Durgan, Assistant Director
Title VI Coordinator/EEO Officer

III. GCMPC Title VI Assurances

The GCMPC (hereinafter referred to as the "Recipient"), hereby agrees that as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, CFR, Department of Transportation Subtitle A, Office of the Secretary Part 21, Non-discrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the 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 race, color, sex 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, 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 to its federally funded programs:

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 (regarding 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 Federal Aid Highway 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 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A 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.
7. 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 the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway 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 Recipient 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 it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Act, the Regulations, and this assurance.

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 by the Department of Transportation under the Federal Aid Highway or Transit Program, and also by the Department of Housing and Urban Development under the Community Development Block Grant Program or the HOME Program, and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program, the CDBG Program, or HOME Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



3/5/24

Derek Bradshaw, Director

IV. Regulatory Requirements

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, 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. GCMPC, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
2. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly and forward to MDOT for investigation.
3. **23 CFR 200.9(b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
4. **23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Real Estate, Passenger Transportation, Aeronautics and Freight Services, Highway Development, Office of Business Development, etc.
5. **23 CFR 200.9(b)(9)** – Conduct training programs on Title VI and related statutes.
6. **23 CFR 200.9(b)(10)** – Prepare a yearly report of Title VI accomplishments for the past year **and** goals for the next year.
7. **23 CFR 200.9(b)(11)** – Submit updated Title VI implementing plan to MDOT.
8. **23 CFR 200.9(b)(12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. **23 CFR 200.9(b)(13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. **23 CFR 200.9(b)(14)** – Establish procedures to identify and eliminate discrimination where found.
11. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
12. **Executive Order 13166** – Ensure that appropriate LEP processes and procedures are implemented.

Related Laws and Statutes

13. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
14. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
15. **Americans with Disabilities Act (ADA) of 1990** – Prohibits discrimination on the basis of a disability.
16. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex.
17. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970**
18. **42 USC 6101** – Prohibits age discrimination in any program receiving federal financial Assistance.
19. **49 CFR Part 21 and 23 CFR Part 200** – Describes U.S. DOT and FHWA prohibitions against discrimination.
20. **Title VII of the Civil Rights Act of 1964** – Prohibits discrimination on the basis of race, color, religion, sex, and national origin.
21. **Michigan's Elliott-Larsen Civil Rights Act** – Prohibits discrimination on the basis of race, color, religion, sex, national origin, height, weight, familial status, marital status, sexual orientation, gender identity, gender expression, and race-based hairstyles.

GCMPC also complies with the following list of authorities and assurances during its administration of programs from the FHWA, FTA and HUD.

- Title I Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309)
- Title IV, Subtitle B, Stewart B. McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371-11378) National Affordable Housing Act of 1990
- Equal Employment Opportunity (EEO) (Executive Order (E.O. 11246 of 1965, as amended by E.O. 11375 of 1967, as supplemented by Department of Labor regulations (41 CFR Part 60)
- Equal Pay Act of 1967
- National Historic Preservation Act of 1966
- Clean Air Act, as amended
- Clean Water Act of 1970 (42 U.S.C. 1857 et seq.)
- Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended
- Wetlands Protection Clause, E.O. 11990
- Environmental Protection Agency regulations (CFR Part 15)
- Energy Policy and Conservation Act (Public Law 94-163)
- Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by Department of Labor regulations (29 CFR Part 3)
- Brooks Act of 1992 (Public Law 92-582)
- Davis/Bacon Act (40 U.S.C. 276a to a-7), as supplemented by Department of Labor (29 CFR Part 5)
- Disadvantaged Business Enterprise (DBE) Program

- Drug Free Workplace Act of 1988
- Fixing America's Surface Transportation Act (FAST Act)
- Michigan Open Meetings Act of 1976
- Persons with Disabilities Civil Rights Act (Michigan Public Act 220 of 1976)
- Natural Resources and Environmental Protection Act (Michigan Public Act 451 of 1994, as amended)

V. Definitions

(As used in Title 32 of the CFR, Highways, part 200.5)

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit 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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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 non-compliance by the Secretary of Transportation.
7. **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.
8. **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.

9. **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.
10. **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, re-modeling, alteration, or acquisition of facilities.
11. **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.
12. **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.
13. **Metropolitan Planning Organization (MPO)** (considered a sub-recipient).
14. **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.
15. **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.
16. **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.
17. **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.

- 18. Program Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.
- 19. 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. Inter-related 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.
- 20. 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.
- 21. Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
- 22. State Transportation Agency (STA):** 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 STA if the context so implies.
- 23. STIP:** A five-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.
- 24. 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]
- 25. TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

VI. Structure for Organizational Oversight and Compliance

The Director of GCMPC is responsible for ensuring all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes. The Director has appointed the Assistant Director as the Title VI Program Coordinator and EEO Officer (hereinafter referred to as the GCMPC Title VI Coordinator/EEO Officer) for the implementation and management of the Title VI Program. The GCMPC Title VI Coordinator/EEO Officer will

provide oversight for the coordination of the day-to-day administration of the Title VI Program and will report to the Director on all related matters.

VII. Programmatic Roles and Responsibilities

A. GCMPC Title VI Coordinator/EEO Officer

The GCMPC Title VI Coordinator/EEO Officer is responsible for ensuring the implementation of the GCMPC Title VI Plan and ensuring Equal Employment Opportunities. The GCMPC Title VI Coordinator/EEO Officer is responsible for the overall management of the day-to-day administration of the Title VI Plan, including implementing, monitoring, and ensuring GCMPC compliance with the Title VI regulations.

1. Title VI responsibilities:

- a. **Program Maintenance:** Maintain and monitor the Title VI program, plan, policies, and GCMPC activities for compliance and assess the adequacy of administrative procedures, staffing and resources available for Title VI compliance
- b. **Accomplishments and Assurances:** Complete annual Title VI assurances with the Michigan Department of Transportation (Form #0179)
- c. **Contract Language:** Ensure that Title VI provisions and assurances are included as part of federally funded contracts. (In this document, see Section III. GCMPC Title VI Assurances, # 2)
- d. **Ensure that contract opportunities are extended to DBEs as part of the contracting process.** (In this document, see Section III. GCMPC Title VI Assurances, # 2)
- e. **Statistical Information:** Collect voluntary statistical data (race, color, age, sex, disability, and national origin) of participants in and beneficiaries of GCMPC Transportation Plans e.g., citizens, impacted communities and affected communities. The data gathering process will be reviewed regularly to ensure sufficient administration of the Title VI program and inform decisions regarding public participation.
- f. **Training:** The GCMPC Title VI Coordinator/EEO Officer will offer training to GCMPC staff and consultants on an as-needed basis and keep record of those who have received training. The training will provide comprehensive information on Title VI provisions, EJ and LEP awareness.
- g. **Complaints:** Maintain a Title VI complaint form and spreadsheet to record any complaints received. Promptly respond to any complaints and forward the appropriate materials to MDOT and the FHWA who will investigate the claim.
- h. **Title VI Reviews:** Participate in Title VI reviews during MPO FHWA recertification.
- i. **Public Dissemination:** The GCMPC Title VI Coordinator/EEO Officer will make available literature, publications, and brochures to GCMPC employees, contractors, and the public explaining the Title VI program. Public dissemination will include the posting of public statements, inclusion of non-discrimination language in contracts, annually publishing the Title VI Policy Statement in newspapers; and announcements of hearings and meetings in minority newspapers when determined necessary and funding is available.

The Title VI Plan will be made available through the GCMPC website and in hardcopy at the GCMPC office.

- j. **Prevention of Discrimination:** Identify, investigate, and eliminate discrimination when found to exist.

B. GCMPC Transportation Division

GCMPC conducts transportation planning for all of Genesee County. A comprehensive transportation planning process is used incorporating input from the public into various MPO activities. The process further entails the monitoring and collection of varied data pertaining to transportation related issues. GCMPC coordinates transportation planning on the Federal Aid Road Network utilizing input from the public and provides technical support to jurisdictions and agencies when needed. GCMPC also provides staff for the Genesee, Lapeer, and Shiawassee Region V Planning and Development Commission (GLS Region V) as the regional planning agency primarily responsible for transportation planning.

1. Title VI Responsibilities

- a. Assist the GCMPC Title VI Coordinator/EEO Officer in the development of the Title VI Plan.
- b. Ensure all aspects of the transportation planning process comply with Title VI and related statutes, particularly Executive Order 12898, Environmental Justice; Executive Order 13166, Limited English Proficiency, and the ADA of 1990 as Amended.
- c. Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups throughout the public involvement process.
- d. Ensure that all complaints are promptly addressed according to established GCMPC Complaint Procedures.

C. GCMPC Community Development Division

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD. Program regulations are at 24 CFR Part 1. In addition to enforcing other federal statutes that prohibit discrimination in housing, HUD has a statutory obligation to ensure that families and individuals are not subjected to discrimination on the basis of race, color or national origin by any HUD-funded grantee or sponsor. Title VI covers all HUD housing programs except for its mortgage insurance and loan guarantee programs.

1. Title VI Responsibilities

- a. Assist the GCMPC Title VI Coordinator/EEO Officer in the development of the Title VI plan.
- b. Ensure all aspects of the community development planning process comply with Title VI and related statutes, particularly Executive Order 12898, Environmental Justice;

Executive Order 13166, Limited English Proficiency, and the ADA of 1990 as Amended.

- c. Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups throughout the public involvement process.
- d. Ensure that all complaints are promptly addressed according to established GCMPC Complaint Procedures.

VIII. Title VI Plan Distribution

The GCMPC Title VI Coordinator/EEO Officer is responsible for distributing Title VI information and the Title VI Plan as part of the training process. S/he will make available a copy of the Title VI Plan through the GCMPC website and in hard copy at the GCMPC Office.

IX. Accomplishments Report

At the end of each fiscal year, the GCMPC Title VI Coordinator/EEO Officer will provide MDOT with the Title VI Sub-recipient Annual Certification Form #0179 which is to certify compliance with Title VI of the Civil Rights Act of 1964. All changes to the GCMPC Title VI Plan occurring during the current fiscal year will be reported on this form. Any Title VI complaints incurred during the fiscal year will be forwarded along to MDOT promptly when received.

X. Annual Work Plan

1. Review prior fiscal year accomplishment report to determine upcoming fiscal year's objectives;
2. Conduct training for GCMPC employees and GCMPC contractors as necessary;
3. Record and appropriately respond to and forward complaints as they arise;
4. Collect Title VI information for dissemination, in other languages, where appropriate;
5. Provide information and updates to the Director.
6. Attend Title VI training and updates;
7. Prepare annual fiscal year-based report.

XI. Complaint Procedures

Complaint Reporting for FHWA

1. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding GCMPC programs, activities, and services, as required by statute.

2. Purpose

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

3. Roles and Responsibilities

The Title VI Coordinator has the responsibility for assuring that the discrimination complaint process and procedures adhere to FHWA's guidance.

4. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

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

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by GCMPC 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.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Michigan Department of Transportation Title VI Coordinator's office. In all situations, the employees of GCMPC must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints. This will be done within ten (10) days of receipt of the complaint.

Complaints must be filed by MDOT within 180 days of the alleged discrimination unless the time for filing is extended by Federal Highway Administration (FHWA.)

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 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.

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

1. An anonymous complaint that is too vague to obtain required information.
2. Inquiries seeking advice or information.
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

5. Investigation

Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The Title VI Coordinator will gather relevant information in a fair and impartial manner and will submit the complaint to MDOT's Statewide Title VI Coordinator who will forward the complaint to FHWA.

Timeframes for Investigations

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from FHWA, 23 CFR § 200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

FHWA Investigation Potential Outcomes

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, FHWA Headquarters Office of Civil Rights (HCR) (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c). All LOFs issued by FHWA are administratively final.

Retaliation:

The laws enforced by this MPO prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint, please contact:

Christine A. Durgan, GCMPC Title VI Coordinator
Genesee County Metropolitan Planning Commission
1101 Beach Street, Room 111
Flint, MI 48502
Phone: 810-766257-3010
Email: cdurgan@geneseecountymi.gov

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the LOF was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

Complaint Reporting for all other GCMPC programs

- 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 GCMPC. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the appropriate funding agency for review and action.
- b. 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, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.
- c. 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.
- d. Upon receipt of a Title VI complaint filed against the GCMPC, the complaint and any pertinent information should immediately be forwarded to the funding agency, Civil Rights Program Unit. The GCMPC Title VI Coordinator/EEO Officer will record and keep record of the complaint and forward the complaint to the Genesee County Corporation Counsel for review and inform the GCMPC Director.

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 a sub-recipient will be investigated by the GCMPC Title VI Coordinator/EEO Officer. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The GCMPC Title VI Coordinator/EEO Officer will gather relevant information in a fair and impartial manner and will submit the report to the appropriate federal agency. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. A "GCMPC Complaint Consent/Release Form 0198" shall be provided to all complainants.

Once the investigation has been completed, the GCMPC Title VI Coordinator/EEO Officer in conjunction with the appropriate area will determine the appropriate course of action, and the GCMPC Title VI Coordinator/EEO Officer 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 funding agency having jurisdiction within 60 days of receipt and investigation of the complaint. Investigation files are confidential and will be maintained by the GCMPC Title VI Coordinator/EEO Officer. The contents of such files may be disclosed to GCMPC personnel on a need-to-know basis and in accordance with state and federal law. Files will be retained for up to five years.

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.

XII. APPENDICES

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees, and successors, in interest

(hereinafter referred to as the "contractor") agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, 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 herein 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, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements 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 procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor 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 issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding 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 provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt from the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions

for noncompliance: 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 direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, 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 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 State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, 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 Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE) *

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, 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 State of Michigan, its successors and assigns.

The State of Michigan, in consideration of 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, 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 State of Michigan shall use the 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 deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary 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 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, 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 remain 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 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 lands and facilities hereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D – TITLE VI COMPLAINT FORM

**Genesee County Metropolitan
Planning Commission
TITLE VI – COMPLAINT FORM**

This form may be used to file a complaint with the Genesee County Metropolitan Planning Commission (GCMPC) for alleged violations of Title VI of the Civil Rights Act of 1964, and related statutes. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180-day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact Ms. Christine Durgan by phone at (810) 257-3010 or via FAX (810) 257-3185 or by TDD/TTY through the Michigan Relay Center by dialing 711.

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

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____(home) _____(work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____(home) _____(work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

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

____ Race

____ Religion

____ Color

____ National Origin

____ Age

____ Sex

____ Disability

____ Income

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 material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: Ms. Christine Durgan, GCMPC Title VI Coordinator/EEO Officer; Genesee County Metropolitan Planning Commission; 1101 Beach Street, Room 111; Flint, Michigan 48502-1470; Phone: (810) 257-3010; Fax: (810) 257-3185; E-mail: CDurgan@geneseecountymi.gov

Note: *The GCMPC prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies by the GCMPC. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The GCMPC's Title VI Plan will be communicated to each Department Head who will review the plan with departmental employees. All GCMPC employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The GCMPC's Title VI Plan will be published on the main page of the GCMPC's website.
3. Appendix A will be included in all GCMPC contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the GCMPC's Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of GCMPC facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding, and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

APPENDIX F - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- *Context.* This means that the significance of an action must be analyzed in several contexts such as society (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component, and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Title VI Coordinator.