

TITLE VI NON- DISCRIMINATION POLICY

Policy No. 2011-01

November 2011

Amended August 2012

A policy to assure that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Road Commission program or activity on the grounds of race, color, religion, national origin, age, gender, height, weight, marital status, disability, or socioeconomic status.

TABLE OF CONTENTS

Introduction.....	2
Standard Title VI Assurances.....	6
Policy Statement.....	7
Title VI Authorities.....	9
Coordinator & General Responsibilities.....	11
Limited English Proficiency.....	13
Environmental Justice.....	19
Filing a Title VI Complaint.....	20
Internal Complaint Processing.....	22
Complaint Form.....	28
Appendix A – Required Contract Language.....	24
Appendix B – Transfer of Property.....	25
Appendix C – Permits, Leases & Licenses.....	26
Appendix D – Prohibition of Discrimination in State Contracts.....	27
Appendix E – Determine/Distinguish Significant/Non-significant Effects	29

INTRODUCTION

The Road Commission for Montcalm County (RCMC) was organized by a vote of the Montcalm County Board of Supervisors on June 16, 1919, and established to provide the people of Montcalm County with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. RCMC's transportation program serves all people of Montcalm County, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse our county. RCMC recognizes its responsibility to provide fairness and equity in all of its programs, services, 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 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, 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 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. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. 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, RCMC must provide access to individuals with limited ability to speak, write, or understand the English language. The road commission must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of RCMC's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by RCMC's programs and projects 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 RCMC programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within RCMC;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in an RCMC service, program or activity.

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

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

Discrimination under Title VI

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

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

The road commission’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

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

**ROAD COMMISSION FOR MONTCALM COUNTY
TITLE VI ASSURANCE**

The Road Commission for Montcalm County (hereinafter referred to as the Road Commission) 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, Non-discrimination in Federally-Assisted Programs for 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 City received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Road Commission hereby gives the following specific assurance 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 (Name of Appropriate Program) 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, Sub-Title 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 contact 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 (Name of Appropriate Program); and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under (Name of Appropriate 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 he 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 with regard to 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 Road Commission under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Road Commission.

Dated: August 8, 2012

Road Commission for Montcalm County

Mark Christensen

Mark Christensen, Superintendent-Manager

Policy No. 2011-01
TITLE VI – NON-DISCRIMINATION POLICY

BOARD OF COUNTY ROAD COMMISSIONERS
ROAD COMMISSION for MONTCALM COUNTY

POLICY STATEMENT

The Road Commission for Montcalm County reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. In applying this policy, the Road Commission for Montcalm County and its sub-recipients of federal funds will not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The Road Commission for Montcalm County will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The Road Commission for Montcalm County designates Karen Swan, Finance Director, as the Title VI Coordinator. The Finance Director will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the Road Commission for Montcalm County complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the Road Commission for Montcalm County and Title VI may be directed to the : Karen Swan, Finance Director, Road Commission for Montcalm County, PO Box 337, Stanton, MI 48888.

Dale Linton

Dale Linton, Chairman

Mark Christensen

Mark Christensen, Superintendent-Manager

TITLE VI AUTHORITIES

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

Title VI of 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, religion, national origin, age, gender, height, weight, marital status, disability, or socioeconomic status. be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and 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 324: No person shall on the grounds 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 carries 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 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her handicap, be excluded from 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/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity that receives benefits from federal financial assistance.

USDOT Order 1050.2: Standards 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;

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.

DEFINITIONS

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 (see Appendix E for additional discussion of “significant”): 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; 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 Road Commission programs, policies, or activities.

Significant Adverse Effects on Minority and Low-Income Populations: Means an adverse effect that: is predominantly born by a minority population and/or a low-income population, or 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.

Limited English Proficiency: Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the Road Commission.

Federal Assistance: Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at least a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or least to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

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 Population: 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.

Minority - A person who is:

- 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 American – 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.

Minority Population: Any readily 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.

Programs: Includes any road or bridge project including planning or any activity for the provision of services, financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether directly by the recipient of Federal financial assistance or provided by others through contract or other arrangements 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.

Sub-recipient: An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

COORDINATOR RESPONSIBILITIES

Karen Swan, Finance Director, is responsible for ensuring the implementation and the day-to-day administration of the Road Commission’s Title VI Plan. Karen Swan, Finance Director, is also responsible for implementing, monitoring, and ensuring the Road Commission’s compliance with the Title VI regulations.

GENERAL RESPONSIBILITIES

A. Complaints

If any individual believes that he/she or any program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, religion, national origin (including Limited English Proficiency), sex, age,

height, weight, or handicap, he/she may exercise his/her right to file a complaint with the Road Commission. Complaints may be filed with the Finance Director. Every effort will be made to resolve complaints informally at the lowest level.

B. Data Collection

Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of Road Commission programs, e.g., impacted citizens and affected communities, will be gathered and maintained by the Road Commission. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

C. Road Commission Reviews

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Road Commission to assure effectiveness in their compliance of Title VI provisions. The Finance Director will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The Road Commission does not have a special emphasis program at this time.

D. Title VI Reviews on Sub-recipients

Title VI reviews will be conducted annually by the Finance Director. Priority for conducted reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The review will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (US DOT modes upon request).

E. Annual Report

The Finance Director will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation, Civil Rights Program Unit and Federal Highway Administration via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

F. Title VI Plan Updates

If updated, a copy of the Title VI Plan will be submitted by October 5th to the Michigan Department of Transportation.

G. Public Dissemination

The Road Commission will disseminate Title VI program information to Road Commission employees and to the general public. Title VI program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusion of Title VI language in contracts and publishing the Title VI Policy Statement on the Road Commission's website www.montcalmroads.com.

H. Remedial Action

The Road Commission, through the Finance Director, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the correction action(s). The period

to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date of notification of the deficiencies.

LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The Road Commission for Montcalm County receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies the Road Commission for Montcalm County as an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning

organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation-not just the particular highway program or project-are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

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

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines **four factors** 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 Road Commission for Montcalm County and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service' and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of 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 DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub recipients to take steps to ensure meaningful access their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to the Road Commission for Montcalm County services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are ‘very well’, ‘not well’, and ‘not at all’. For our planning purposes, we are considering people that speak English ‘less than very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for Montcalm County shows a small amount of the population that would speak English ‘less than very well’. List the percentages here and total percentage of all language groups.

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	59,498	59,498
English only	57,244	96.2%
Language other than English	2,254	3.8%
Speak English less than "very well"	728	1.2%
Spanish	963	1.6%
Speak English less than "very well"	289	0.5%
Other Indo-European languages	1,008	1.7%
Speak English less than "very well"	320	0.5%
Asian and Pacific Islander languages	215	0.4%
Speak English less than "very well"	94	0.2%
Other languages	68	0.1%
Speak English less than "very well"	25	0.0%

Factor 2: Frequency of Contact with LEP Individuals

The majority of the work we do once we leave the garage, is performed on the roadway with the use of large trucks and heavy equipment. Very infrequently do the operators have direct contact with the public. The office staff handles service requests regarding road issues and processes

permits for work in the right of way. Regular board meetings are held every 1st and 3rd Wednesday of each month and public hearings are held when needed, which would bring interested persons to the Road Commission for Montcalm County.

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

The Road Commission's main function is to maintain the road network throughout Montcalm County. This network is very sound and the likelihood of new roads being added is extremely remote, thus requiring acquisition of land is not an issue. Our services are straight forward and garnered by the weather and wear and tear on the roads by motorists and out of the way of face-to-face contact. Occasionally, the road surface of a roadway is changed, trees are cut down or ditches are dug to improve the conditions for the motoring public and Public Hearings are held.

Denial or delay of access to services or information provided by the Road Commission would not have life-threatening implications on a LEP individual. It is believed that denial or delay of access to services or information provided by the Road Commission would not have serious implications on a LEP individual, especially compared to services, such as health, emergency transportation, water, sewer, fire protection, police protection and other emergency services.

Factor 4: The Resources Available to the Road Commission for Montcalm County and Overall Cost

US 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) states:

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.

While the Road Commission does serve few LEP persons and has very limited resources, it has decided to include a LEP section in its Title VI Plan.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "safe harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as

to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "safe harbor" includes providing written translations of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "safe harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the Road Commission's budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the Road Commission to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

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 guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand, when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

The Road Commission will provide statements in languages that an LEP individual would understand in public information and public notices in languages that LEP individuals would understand, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the Road Commission.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The Road Commission is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small scale of the Road Commission in Montcalm County, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

What the Road Commission will do. What actions will the Road Commission take?

With advance notice of seven calendar days, the Road Commission will provide interpreter services at the public meetings. Interpreter to include foreign language, and hearing impaired.

The Road Commission will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.

Ensure placement of statements in notices and publications in languages that an LEP individual would understand, that interpreter services are available for these meetings with seven days advance notice. The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals. Once the LEP individual’s language has been identified Road Commission employees will contact an agency from the Translators Resource List to provide interpretation services to assist.

Publications of the Road Commission’s complaint form will be available at public meetings.

Road Commission for Montcalm County Staff Training

Road Commission staff will be provided training or made aware of the requirements for providing meaningful access to services for LEP persons.

LEP Plan Access

A copy of the Title VI plan document can be requested at the Road Commission’s main office during normal business hours and the Road Commission will make the plan available on the website at montcalmroads.com.

Any person or agency may also request a copy by contacting:

Karen Swan, Finance Director
Road Commission for Montcalm County
619 W. Main St., PO Box 337
Stanton, MI 48888-0337
E-mail: karenswan@montcalmroads.com
Phone: (989) 831-5997 or toll-free (877) 992-6272

ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effects” due to any “programs, policies, or activities” undertaken by any agency receiving Federal funds. This obligation will be met by the Road Commission in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The Road Commission will use U.S. Census data to identify low-income and minority populations.

Where a project impacts a small number or area of low-income or minority populations, the Road Commission will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project’s impact is unavoidable
- The benefits of the project far outweigh the overall impacts.
- Mitigation measure are being taken to reduce the harm to low-income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, the Road Commission will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the Road Commission will administer potential disproportionate effects tests.

The following steps will be taken to assess the impact of projects on minority and/or low-income population groups:

STEP ONE: Determine if a minority or low-income population is present within the project area. If the conclusion is that no minority and/or low-income populations are present within the project area, document how the conclusion was reached. If the conclusion is that there are minority and/or low-income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low-income and/or minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by the proposed project.

STEP FOUR: If after mitigation, enhancements, and offsetting benefits to the affected populations there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

- Question 1 – Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
- Question 2 – Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low-income or minority population?
- Question 3 – Considering the overall public interest, is there a substantial need for the project?
- Question 4 – Will the alternatives that would satisfy the need for the project and have less impact on protected populations: a) have other social, economic or environmental impacts that are more severe than those of the proposed action, or b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

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

Purpose

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

Roles and Responsibility

The Finance Director of the Road Commission has the overall responsibility for the discrimination complaint process and procedures. The Finance Director may, at his/her discretion, assign a capable person with the Road Commission to investigate the complaint.

Applicability

The complaint procedures apply to the beneficiaries of the Road Commission's programs, activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees and other sub-recipients of Federal and state funds.

Eligibility

If any individual, group of individuals, or entity believes that they or any other program beneficiaries have been subjected to discrimination prohibited by Title VI nondiscrimination provision as a recipient of benefits and/or services, or on the grounds of race, color, national origin, gender, age, disability, or socioeconomic status they may exercise the right to file a complaint with the Road Commission. Every effort will be made to resolve complaints informally at the agency, recipient and/or contractor level.

Time Limitation on Filing Complaints

Complaint should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180-day period, you have 60 days after you became aware to file your complaint.

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. A Title VI complaint form is available at the Road Commission's office during normal business hours. 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

In all situations Road Commission employees must contact Karen Swan, Finance Director, immediately upon receipt of Title VI or related statutes complaints.

Title VI complaints may be filed with:

- Road Commission for Montcalm County
- Michigan Department of Transportation (MDOT)
- Federal Highway Administration
- U.S. Department of Transportation

INTERNAL COMPLAINT PROCESSING

1. Karen Swan, Finance Director, acting as the Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided and that the complaint meets the filing timeframe requirements and falls within the jurisdiction of the Road Commission.
2. Karen Swan, Finance Director, will then investigate the complaint. If the complaint is against Karen Swan, Finance Director, then the Managing Director and/or the Board or its designee will investigate the complaint.
3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The Road Commission will also notify the MDOT Civil Rights Program Unit of the investigation.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator.
6. If a Title VI complaint is received on a MDOT-related contract against the Road Commission, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the Road Commission, the complaint and any pertinent information should immediately be forwarded to the MDOT Civil Rights Program Unit.
7. With regard to a complaint filed against the Road Commission on a MDOT related contract, once the Road Commission is notified of MDOT Civil Rights Program Unit investigative report findings, the Road Commission will adopt a final resolution. All parties will be properly notified of the outcome of the MDOT Civil Rights Program Unit report.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), s/he shall be advised of their right to appeal MDOT's Civil Rights Program Unit decision. Appeals must be filed within 180 days after the Road Commission's final resolution. Unless new facts not previously considered come to light, reconsideration of the Road Commission's determination will not be available.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes" available at www.usdoj.gov/crt/cor/Pubs/manuals/complain.html.

RETALIATION

The laws enforced by this County 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:

Karen Swan, Finance Director
Road Commission for Montcalm County
619 W Main St., PO Box 337
Stanton, MI 48888-0337
Phone: (989) 831-5285 or toll-free (877) 992-6272
Fax: (989) 831-8776
karenswan@montcalmroads.com

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 Michigan Department of Transportation, Office of Civil Rights Program within 60 days of the date the complaint was received.

RECORDS

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

Appendix A [To be inserted in all Federal-aid contracts]

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

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material 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 the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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 State of Michigan, 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 State of Michigan, 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 State of Michigan, its successors and assigns.

The State of Michigan, 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 State of Michigan 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 State of Michigan 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 purposes 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.

Appendix D [Title VI Complaint Form]

**ROAD COMMISSION for MONTCALM COUNTY
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the Road Commission for Montcalm County based on 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 may be submitted to file your complaint.

Complaint should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180-day period, you have 60 days after you became aware to file your complaint.

If you need assistance completing this form due to a physical impairment, please contact Karen Swan at 989-831-5285, by fax at 989-831-8776 or by e-mail at karenswan@montcalmroads.com

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 department or individual(s) that discriminated:

Department name: _____

Name of individual(s), if known: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began_____

Last or most recent date_____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by a department or individual(s) of the Road Commission as indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

_____ Race

_____ Age

_____ Color

_____ National Origin

_____ Disability

_____ Sex

_____ Income

_____ Religion

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).

Please attach any documents you have which support the allegation; then sign and date this form and send to: Karen Swan, Finance Director, Road Commission for Montcalm County, PO Box 337, Stanton, MI 48888.

Signature:_____

Date:_____

Print Your Name:_____

Note: The Road Commission for Montcalm County prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Road Commission. Please inform Karen Swan, Finance Director, if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.

Appendix E Determine/Distinguish Significant/Non-significant Effects

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (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.
- (b) *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:
 - (1) 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 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 City Manager.

APPENDIX F Program Compliance/Program review Goals for Current Plan Year

1. The Road Commission for Montcalm County Title VI Plan will be communicated to each Road Commission for Montcalm County Department Head who will review the Plan with departmental employees.
2. The Road Commission for Montcalm County Title VI Plan will be published on the Road Commission for Montcalm County's Website.
3. Appendix A will be included in all Entity type contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the Road Commission for Montcalm County'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. A procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All Road Commission for Montcalm County employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of Road Commission for Montcalm County facilities will be conducted in reference to compliance with the American Disabilities Act.
8. 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 communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** How many requests for language assistance 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:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
 - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
 - h. **Program Participants:** Racial Data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/colep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^y Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.