

2021

# Title VI Program and Procedures



**Title VI  
Language Assistance Plan (LAP)  
Public Participation  
Service Standards**

**Draft Board Consideration  
March 8, 2021**



**Metro**

530 North Rose Street  
Kalamazoo, MI 49007

(269) 337-8222 [www.kmetro.com](http://www.kmetro.com)

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# Executive Summary

Metro in Kalamazoo, Michigan is a transit system serving the entirety of Kalamazoo County with both fixed route and demand response public transportation. The system is governed by the Central County Transportation Authority and the Kalamazoo County Transportation Authority.

The development of the Title VI Program and Procedures was done under the Title VI Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” dated October 1, 2012. Key content of the Title VI Program and Procedures include:

## **Title VI**

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Metro serves as the federal recipient of Section 5307 funds for the Kalamazoo County area. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, Metro assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits thereof, or otherwise be subjected to discrimination under any Metro programs or activities. These prohibitions extend to all programs funded in whole or in part from federal financial assistance and are subject to Title VI requirements.

The Title VI Plan outlines Metro’s procedures for noticing the public, determining and recording complaints and what the public can do to file a complaint. Information on Title VI is available to customers in various formats and at several Metro customer service locations. The public can also obtain information from the Metro website at [www.kmetro.com](http://www.kmetro.com).

## **Language Assistance Plan**

The Language Assistance Plan (LAP) highlights the process for Metro to identify Limited English Proficiency (LEP) populations within the service area and provide appropriate language assistance. Education to the public and to staff is a key component to the LAP. Spanish translations will continue with vital documents for Metro as well as information available on the Metro website at [www.kmetro.com](http://www.kmetro.com).

## **Public Participation**

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Public participation is included in the Title VI Program and Procedures to document outreach efforts to engage with Limited English Proficiency (LEP) populations and to identify the public participation efforts that take place as part of the planning process and the receipt of funds under Section 5307.

**Service Standards**

As identified in the Title VI guidance, Metro's service standards are summarized to provide an overview of load standards, headway standards and on-time performance. This also includes the demand response system. Vehicle assignment and transit amenities are also outlined.

***Metro Contact Information***

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(269) 337-8233

# Title VI

## **Title VI Program, Public Notice, Complaint Determination & Records of Complaints**

Metro serves as the federal recipient of Section 5307 funds for the Kalamazoo County area. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, Metro assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits thereof, or otherwise be subjected to discrimination under any Metro programs or activities. These prohibitions extend to all programs funded in whole or in part from federal financial assistance and are subject to Title VI requirements.

This policy is intended to establish a procedure under which complaints alleging discrimination in Metro provisions, services, or activities can be made by persons who are not Metro employees.

### **Title VI Program Objectives**

The procedures described and outlined within the following pages of the Title VI Program will enable Metro to:

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

### **Requirement to Provide Additional Information**

The Federal Transit Administration (FTA) may request, at its discretion, information other than that required by Circular FTA C 4702.1B (October 1, 2012) in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Department of Transportation's (DOT) Title VI regulations.

NOTE: Any person who believes Metro or any entity who receives federal financial assistance from or through Metro (i.e. sub-contractors or sub-grantees) has subjected them or any specific class of individuals to unlawful discrimination is encouraged to file a complaint of discrimination.

**Title VI Public Notice**

Metro has created a public notice that complies with Title VI, including instructions to the public on how to file a discrimination complaint. The public notice is available in English and Spanish languages. A notice is posted on Metro’s website and is posted at the Kalamazoo Transportation Center, 459 North Burdick Street. The public notice is posted on all Metro and Metro Connect buses.



**Metro operates transportation programs subject to the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964.**

Your Rights Under **Title VI** of the Civil Rights of 1964

The following examples illustrate the application of the nondiscrimination provisions:

1. Any person who is, or seeks to be, a passenger of Metro shall be given access, seating, and other treatment without regard to race, color, or national origin.
2. No person who is, or seeks to be, an employee of the Central County Transportation Authority, Metro, or lessees, concessionaires, contractors, licensees, or subcontractors shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits or employment, on the basis of race, color or national origin.

3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished by Metro on the basis of race, color or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color or national origin.
4. Location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color or national origin.

The Federal Transit Administration (FTA) recommends that Title VI complaints be filed first with Metro.

If you are unsatisfied with our resolution, you may file a complaint with FTA or the US Secretary of Transportation. All complaints must be filed in writing and will receive a written response.

To file a complaint in writing, direct the information to:

Metro, Attn: Title VI Compliance  
530 N. Rose St., Kalamazoo, MI 49007

Please include: your name, address and telephone number; how, when and why you believe you were discriminated against; as much background information as possible; the date, time of day, names of individuals involved, bus number or route number (if possible).

More information on Metro’s civil rights program and procedures to file is available by calling (269) 337-8222 or online at [www.kmetro.com](http://www.kmetro.com) or visiting Metro offices at 530 North Rose Street.

The Title VI statement and policy are reviewed with Metro staff as part of the LEP training session.

**Title VI Complaint Determination & Records of Complaints**

Any Title VI complaints received by Metro will be investigated and will follow the sequence of steps detailed in the section Title VI Complaint Process Overview later outlined in this document. A Title VI master data file will be maintained.

The Title VI master data file includes such key information as:

- Basic information about the complaint such as:
  - When it was filed;
  - Who filed it;
  - Who it was against;
  - Where the incident occurred; and
  - Any identified witnesses
- A description of the nature of the alleged discriminatory action
- Notes/Status of the investigation
- Findings of the investigation

Metro will follow timelines set forth in guidance from the Department of Transportation for processing Title VI discrimination complaints.



Forms are available to the public upon request, available on the Metro website ([www.kmetro.com](http://www.kmetro.com)) and are shown in Appendix A.

### **When to File**

A complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination, or discovery thereof—or where there has been a continuing course of conduct, the date on which the conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day the complaint form is completed, signed and mailed. The complaint form and consent/release form (Appendix A) must be dated and signed for acceptance.

Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

### **Where to File**

In order to be processed, signed original complaint forms must be mailed or hand delivered to:

Title VI Complaint  
Metro  
530 N. Rose Street  
Kalamazoo, MI 49007

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited English proficiency. A complaint may also be filed by a representative on behalf of a complaint. Persons not satisfied with the findings of Metro may seek remedy from other applicable state or federal agencies.

### **Required Elements of a Complaint**

In order to be processed, a complaint must be in writing and contain the following:

- Name(s), and addresses(s) and business(es)/organization(s) of person(s) who allegedly discriminated.
- Date of alleged discrimination.
- Basis of complaint (i.e. race, color, or national origin).

### **Incomplete Complaints**

Upon initial review, the designated Title VI Specialist for Metro will ensure that the form is complete and that any initial supporting documentation is provided. Should deficiencies be found, the Title VI Specialist will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or the complainant does not respond within the time period specified in the request (30 days), the recipient may close the complainant's file. The complainant may resubmit the complaint within the original 180-day period.



Should the complaint be closed due to lack of required information, Metro will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be re-opened provided it has not been more than 180 days since the date of the alleged discriminatory action.

### **Public Instructions for Filing a Complaint**

The following instructions are provided to the public onboard all public use Metro vehicles (Appendix B) and are provided on the organizational website: [www.kmetro.com](http://www.kmetro.com) under the *Title VI* section located on the home page:

*If you feel a violation of the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 has occurred, please do the following:*

*The Federal Transit Administration (FTA) recommends that Title VI complaints be filed first with Metro. If you are unsatisfied with our resolution, you may file a complaint with FTA or the US Secretary of Transportation. All complaints must be filed in writing and will receive a written response.*

*To file a complaint in writing, direct the information to: Metro, Attn: Title VI Compliance, 530 North Rose Street, Kalamazoo, MI 49007.*

*Please include: Your name, address and telephone number; how, when and why you believe you were discriminated against; as much background information as possible; the date, time of day, names of individuals involved, bus number or route number (if possible).*

The complaint form is available online to download at [www.kmetro.com](http://www.kmetro.com) or at the Administrative Offices at 530 North Rose Street or the customer service counter for Metro at the Kalamazoo Transportation Center, 459 North Burdick Street.

## Internal Procedures for Processing Complaints

### Title VI Complaint Process Overview

The following describes how a discrimination complaint is handled once received by Metro. This overview is also posted on the organizational website: [www.kmetro.com](http://www.kmetro.com) under *Title VI*, alongside the Title VI Complaint Form.

#### 1. A complaint is received by Metro:

Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited English proficiency, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint who do not have access to the internet nor ability to pick up a form will be mailed a form for the complainant to complete. The complainant will be notified if the complaint form is incomplete and asked to furnish the missing information.

#### 2. Complaint is logged into tracking database:

Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.

#### 3. Review complaint:

Metro's Title VI Specialist will complete an initial review of the complaint. The purpose of the review is to determine if the complaint meets the basic criteria. Criteria required for a complete complaint:

- Basis of alleged discrimination (i.e. race, color, or national origin).
- Determination of timeliness will also be made to ensure that the complaint was filed within the last 180 day time requirement.

#### 4. Initial written notice to complainant:

Within 10 working days of the receipt of the complaint, Metro will send notice to the complainant confirming receipt of the complaint; if needed the notice will request additional information, notify complainant that the activity is not related to a Metro program or activity, or does not meet deadline requirements. Conclusions made in Step 3 will determine the appropriate response to the complaint. Examples of response letters are located in the Appendix B of the Title VI Plan. If any additional information is needed from the complainant, it will be communicated at this point in the process.

#### 5. Investigation of the complaint:

The Title VI Specialist will confer with the Executive Director to determine the most appropriate fact-finding process to ensure that all available information is collected in effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:

- Internal meetings with Metro staff and legal counsel.
- Consultation with state and federal agencies.
- Interview(s) of complaint(s).
- Review of documentation.
- Interview and review of documentation with other agencies involved.
- Review of technical analysis methods.
- Review of demographic data.

#### 6. Determination of Investigation

An investigation must be completed within 60 days of receiving the complete complaint, unless facts and circumstances warrant otherwise. A determination will be made based on information obtained. The Title VI Specialist, Executive Director, and/or designee will render an action recommendation, including formal and/or informal resolution strategies in a findings report.

#### 7. Notification of determination

Within 10 days of completion of an investigation, the complainant must be notified by the Title VI Specialist of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if dissatisfied with the final decision. A copy of this letter, along with a report of the findings, will be forwarded to the Michigan Department of Transportation and Federal Transit Administration for informational purposes only.

### **Investigation Determination & Resolution Strategies**

Should an investigation conclude or indicate that Metro acted in violation of a complainant's Title VI rights—whether directly or indirectly—corrective actions will be taken by Metro, for individual employees and/or Metro as a whole, including appropriate efforts to educate, train, monitor, re-evaluate policy, and/or, if warranted, administration of disciplinary measures.

## **Pending Cases**

As of the date of this Title VI documentation review (March, 2021), Metro has not recorded any Title VI investigations, nor has it received any complaints or lawsuits since the last approval in September, 2018.

A form (Appendix D) is prepared for recording summary information, complaint basis, status of investigations, and any important notes pertaining to an incident.

# Language Assistance Plan

## Introduction

On August 11, 2000, the President signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. Additional information on Executive Order 13166 is available at <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/title-vi-executive-order-13166>.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities, and sub-recipients.

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient’s programs and activities. To do this, the recipient should:

1. Conduct the four-factor analysis.
2. Develop a Language Access Plan (LAP).
3. Provide appropriate language assistance.

The actions that the recipient may be expected to take to meet its LEP obligations depend upon the results of the four factor analysis including the services the recipient offers, the community the recipient serves, the resources the recipient possesses, and the costs of various language service options. All organizations would ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons who are LEP.

As part of its Title VI Plan, Metro has developed the following Limited English Proficiency Plan (LEP). The plan’s contents are consistent with the guidance on an effective language implementation plan expressed in Section VII of the U.S. Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005, Volume 70, Number 239].

The following plan explains to the transit agency staff the need to undertake language assistance activities including the following activities that are recommended in the DOT LEP Guidance on an implementation plan.

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

1. Identifying LEP individuals who need language assistance.
2. Providing language assistance measures.
3. Training staff.
4. Providing notice to LEP persons of the availability of language assistance.
5. Monitoring and updating the LEP Plan.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the training of staff, how to notify LEP Persons that assistance is available, and information for future plan updates.

### **Four Factor Analyses**

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 recipient and the 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. The greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. 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 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.

After completing the four-factor analysis, recipients can determine the appropriate "mix" of LEP services required. Recipients have two 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. For instance, a public service provider in a largely Hispanic neighborhood may need

immediate oral interpreters available and decide to hire full-time bilingual staff. In contrast, there may be circumstances where the importance and nature of the activity and number of proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high in which pre-arranged language services for the particular service may not be necessary. The languages spoken by the LEP individuals with whom the recipient has frequent contact often determine the languages into which documents will need to be translated and the types of interpreters that can be provided.

More detail on the points discussed above and information on other considerations are found in the Department of Transportation issued Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, Federal Register, December 14, 2005 (Volume 70, Number 239).

**Factor 1: The Proportion, Number, and Distribution of LEP Persons**

The U.S. Census Bureau American Community Survey has a range of four classifications of how well persons speak English. The classifications used are “very well,” “well,” “not very well,” and “not at all.” For Metro’s planning purposes, we are considering people that speak English less than “very well” as Limited English Proficient persons.

**Table 1**  
**Population 5 Years Old & Older Speaking a Language Other than English at Home**

	<b>Population 5 years old &amp; older</b>	<b>Speak a Language Other than English at Home</b>	<b>Percent Speaking a Language Other than English at Home</b>
<b>Kalamazoo County</b>	248,980	20,399	8.2%

Source: 2019 American Community Survey  
<https://data.census.gov/cedsci/table?q=kalamazoo%20county&t=Language%20Spoken%20at%20Home&tid=ACSS11Y2019.S1601&hidePreview=false>

Maps are provided in Appendix E highlighting specific areas in the service area and within Kalamazoo County where a language is spoken other than English in the home less than “very well” as defined by the Census Bureau.



**Table 2**

**The Proportion of Population 5 Years Old or Older  
Speaking English Less than “Very Well”**

<b>Kalamazoo County</b>	<b>Population 5 years old &amp; older Speaking a Language Other Than English at Home <i>20,399 Countywide</i></b>	<b>Speaking English less than “Very Well” <i>8,338 Countywide</i></b>
<b>Spanish or Spanish Creole</b>	6,754 (2.7%)	1,803 (21.6%)
<b>Other Indo- European Languages</b>	6,274 (2.5%)	2,216 (26.6%)
<b>Asian and Pacific Island Languages</b>	4,181 (1.7%)	1,803 (21.6%)
<b>Other Languages</b>	3,190 (1.3%)	2,516 (30.2%)

Source: 2019 American FactFinder

<https://data.census.gov/cedsci/table?q=kalamazoo%20county&t=Language%20Spoken%20at%20Home&tid=ACSS T1Y2019.S1601&hidePreview=false>

**Factor 2: The Frequency with which LEP Individuals Come Into Contact With the Program**

An established and growing Latino/Spanish-speaking community resides within the Metro service area. There are several stores and publications available to members of the community in which the primary spoken language is Spanish. Interaction with Spanish speaking persons would likely occur with the fixed route system due to concentrations of Spanish speaking populations within the City of Kalamazoo. Interactions could potentially include, but not limited to the Kalamazoo Transportation Center, fixed-route buses, customer service representatives and dispatchers, Metro’s website or social media pages, printed materials, community outreach events, and through third-party agencies, such as Department of Human Services.

Metro updated the website ([www.kmetro.com](http://www.kmetro.com)) in 2017 to include both English and Spanish translations for visitors to the website. This includes navigation of the website and bus schedule information.

As part of its Language Assistance Plan, Metro will work with staff to recognize, identify, and record the frequency with which persons speaking a non-English language comes into contact with Metro staff. Based upon findings and occurrences, including ongoing demographic trends, Metro will routinely evaluate the need and feasibility of providing print information and/or direct language assistance in specific languages other than English and Spanish as part of its LEP program reviews.

### **Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to the LEP Community**

Without a conscious effort from federal recipients to make available adequate and necessary information to all persons, some populations may not have fair and equal access to important, perhaps life-saving services. Metro recognized that access to public transportation is crucial to many populations within the community in situations that potentially have serious or life-threatening implications on an LEP individual, especially compared to services such as health, emergency transportation, utilities, fire/police protection, and other emergency services.

Metro understands its role within the community and operates in full agreement with the U.S. Department of Transportation's Limited English Proficiency Guidance Section V (4) recognizing that the inability of an LEP person to effectively utilize public transit (due to a language barrier) could in fact adversely affect his or her ability to obtain quality health care, child care, education, or access to employment opportunities within the service area.

Based on the demonstrated needs of members of the Spanish-speaking community within the Kalamazoo County service area and the staff at Metro, steps have taken place to help accommodate the Spanish-speaking population. These steps included the update of the Metro website and notices in Spanish on vehicles.



### **Kalamazoo-Area Community Organizations Serving Limited English Proficiency (LEP) Individuals**

It is the mission of Metro to provide the community with public transportation services that are dependable, convenient, safe, cost effective, and accessible for all. A listing (see Appendix F) identifies organizations Metro has either partnered with in the past or has contacted seeking input on its LEP Plan and its overall service in general. Notification of the Plan and where to view it will be submitted to each organization for both awareness purposes and public feedback – all to better serve the community as a whole.

### **Factor 4: The Resources Available to the Recipient and the Overall Cost**

Although current resources remain limited, Metro provides an option for Spanish interpretation of its informational website at [www.kmetro.com](http://www.kmetro.com) as well as translation of vital documents upon request. Because the remaining LEP population in the service area does not currently represent a single yet significant proportion group of individuals, no further language assistance is planned

at this time; demographic trends and frequency of contact will be monitored and incorporated into the Metro Language Assistance Plan review process.

### **Identifying LEP Individuals Who Need Language Assistance**

To help identify and record the primary language of a Limited English Proficiency individual speaking a language other than Spanish, Metro staff will make use of a language identification list during any such initial encounters, and to report the encounter directly to the transit system's Title VI Specialist. Since the 2018 update of the LAP, 14 Spanish translations were documented as well as 2 French and 1 Arabic by Metro customer service staff and drivers.

The official listing to be utilized by Metro is the 2010 Census Language Identification Flashcard that has been developed by the U.S. Census Bureau and contains a check box with the phrase "Mark this box if you read or speak (name of each language)" listed in 38 different languages. The flashcard is used by governmental and non-governmental agencies to identify the primary language of LEP individuals during face-to-face contacts. The Language Identification Flashcard has been made available at the Customer Service counter at the Kalamazoo Transportation Center and the Administration Office.

Metro staff will also be instructed to utilize the Language Identification Flashcard and report any contacts made during other instances where LEP contact may occur, such as at public meetings, workshops, or community marketing events and shows. Through the use of such cards, Metro will be better able to record any contact with an LEP individual.

### **Providing Language Assistance Measures**

Spanish-language assistance will be provided for LEP individuals through the translation of key or "vital" documents and materials, as well as through oral language when necessary and when possible. Translation of all Metro materials is not possible due to cost restrictions and secondary population levels that do not warrant such measures.

The transit system's website offers a Spanish-translation version. Beyond this scope, AAA Translation can be contacted to provide professional language translation services in more than 150 languages.

Documents that are routinely mailed and deemed "vital" by the Metro system will contain a statement in Spanish notifying the reader to request a Spanish-language version of the document. All written requests will be directed to the Metro Title VI Specialist where the document will be translated either through external or internal sources, if necessary. A professional response or action can be determined, and a translation made back into the original language for return to the original LEP individual.

### **Translation for Job Employment**

Metro has selected and will continue to provide for language interpretation services on an as-needed basis from AAA Translation at no cost to Limited English Proficiency individuals.

Contact information for AAA Translation is:

17295 Chesterfield Airport Road, Suite 200

Chesterfield, MO 63005

844-293-3519

[www.aaatranslation.com](http://www.aaatranslation.com)

### **Training of Staff**

Members of the Metro's staff will be made aware of their obligations to provide meaningful access to information and services for Limited English Proficiency individuals and will be properly trained. Metro will provide an LEP review for current employees on an annual basis and will include LEP training as part of the new employee orientation process.

Management staff will also be made aware of the processes in place so they can reinforce its importance and ensure its implementation by staff.

Staff training will include, but is not limited to the following:

- Understanding the Title VI and LEP responsibilities
- Background on LEP populations within the service area
- Description of the type of language assistance Metro currently provides
- Use of the LEP language identification flashcards
- How to use the AAA Translation language assistance service
- Documentation of LEP language assistance requests
- How to handle a complaint

In key areas, step-by-step instructions (See Appendix F) have been outlined, and as part of training, will be distributed to all transit system Customer Service and Coach Operator staff in event contact is received from an LEP person in need of interpretation services.

A policy outlining the responsibilities of all transit system employees in the use of interpreters included in Appendix G, and a listing of all bilingual staff is shown in Appendix H.

### **Providing Notice to LEP Persons of Availability of Language Assistance**

Metro has established the following methods to inform Spanish-speaking LEP individuals, supporting organizations, as well as the general public, of available no-fee LEP services.

- An English/Spanish sign (see sample in Appendix I) has been incorporated into the Title VI statement and has been posted inside the common areas of the Kalamazoo Transportation Center. The notice will also allow for LEPs traveling between cities to learn of language interpretation services. The Kalamazoo Transportation Center also serves Amtrak passengers and inter-city bus lines. In the past, Metro staff has assisted Spanish-speaking LEPs using any mode of transportation and will continue to do so when needed.
- When requested in advance, Metro will have present at least one Spanish-speaking member of the staff at any public meeting intended for educational purposes or for gathering community input. Spanish-speaking staff will be on-hand to serve LEPs during community marketing events and shows, when possible, especially given scenarios where demographics point to a higher probability of participation by Spanish-speaking LEPs.
- A notice has been posted on Metro website [www.kmetro.com](http://www.kmetro.com) under the “Contact” section notifying users of the availability of language assistance at no cost to the user. The notice has been posted in both English and Spanish.
- Metro will periodically mail/email notices of updated LAP document and seek input from local organizations who serve the LEP population (list shown in Appendix H), while at the same time notifying them of available language services offered by the transit system.

Metro will consider additional notification options in the future, especially those suggested within the LEP community.

### **Monitoring and Updating the LAP**

Metro’s Language Assistance Plan has been designed to be flexible and can easily be updated as needed. At a minimum, the plan will be evaluated and updated on a triennial basis. Appendix J highlights the Plans review since last updated.

Each update will include but will not be limited to a review of the following information:

- Feedback and frequency from documentation/recorded LEP encounters.
- Establishing whether or not LEP needs have been met through existing assistance.
- Nature and importance of activities to LEP persons.
- Evaluating local population/demographic changes, particularly among LEPs.
- Feedback from passengers and community organizations.
- A review of whether any complaints have been received.
- Availability of resources and the costs imposed.

# Public Participation

As noted previously, the Metro Title VI/LAP Plan is posted on the website [www.kmetro.com](http://www.kmetro.com). For individuals without internet services, the Kalamazoo Public Library offers web access free-of-charge. Following updates, notice that the Language Assistance Plan has been updated and where copies are available will be provided to local community organizations serving LEP individuals (identified in appendices).

The Plan will be available upon request in hard copy at the Metro Administrative Offices. Requests will also be fulfilled via mail or sent electronically in .pdf format over email.

Questions or comments regarding the Title VI or LAP plans should be directed to:

Title VI Program Specialist  
 Metro  
 530 N. Rose Street  
 Kalamazoo, MI 49007  
 Phone: 269.337.8222  
 Email: [ccta@kmetro.com](mailto:ccta@kmetro.com)

## Title VI Minority Representation Non-Elected Boards and Councils

The non-elected boards and councils are representative of the community. Efforts are made to include representation that is reflective of those living within Kalamazoo County.

The table below references, respectively, the proportion of non-elected planning boards and councils consisting of public representation with that of service-area demographic characteristics:

	African American	Asian American	Caucasian	Latino	Native American	Other*
Service Area Population						
Authority Boards						
Local Advisory Committee						

*Representation was effective for FY 2021*

Efforts will continue to encourage the participation of minorities on Metro committees. Selection of the various advisory committees and authority boards is currently being completed with two processes:

**Advisory Committees:** The Local Advisory Committee is made up of disability community representatives, senior representatives and at large members representing areas of Kalamazoo County. The LAC advises and makes recommendations to the Central County Transportation Authority and the Kalamazoo County Transportation Authority on issues related to Metro Connect service. The LAC makes policies relating to Metro Connect service and hears comments from the public about Metro Connect operations. Appointment is made through the Kalamazoo County Transportation Authority.

Outreach to recruit individuals to fill open seats include:

- Notices on Metro website at [www.kmetro.com](http://www.kmetro.com) and social media;
- Announcements at authority board meetings and other meetings of groups representing seniors, disability community, and others; and
- Word of mouth and personal inquiry

**Authority Boards:** The Central County Transportation Authority and the Kalamazoo County Transportation Authority boards are made up of representatives of the community. Appointment to the authority boards is made by the Kalamazoo County Board of Commissioners.

Examples of recruiting efforts to fill open or newly-created board seats include:

- Notice of board or committee vacancies through Kalamazoo County Government at [www.kalcounty.com](http://www.kalcounty.com) and [www.kmetro.com](http://www.kmetro.com) websites;
- Personal inquiry (verbal or written) among informal networks, business partners, or transit users; and
- Allowing additional time for vacancies to remain open to allow time to get the word out.

## **Public Information and Communication**

Metro provides service information to the public in several channels:

- Customer Service Counter at Kalamazoo Transportation Center. The counter provides customer service to riders of Metro fixed route and demand response services with token sales and route information. Information and passes are also sold for Indian Trails and Greyhound.



- Metro Administrative Offices: The Metro Administrative Office is open from 8:00 a.m. to 4:30 p.m. Monday through Friday and provides schedule information, applications for Metro Connect and general information on Metro's system.
- Metro Website: The Metro website (www.kmetro.com) provides route information and applications for ADA service as well as announces detour information and updates about public meetings. A comment form is also available to the public for online submission of questions or comments. Online comments are distributed to the appropriate staff members for follow-up.
- Facebook and Twitter: Announcements for upcoming route changes, meeting notices, job openings, and other community information is shared on social media through Facebook and Twitter. Regular dialogue takes place with riders with immediate questions or comments.
- Bus Notifications: For route changes, service hour changes, and public meetings, notices are placed on fixed-route buses and at the Kalamazoo Transportation Center to notify riders of the information.

### **Outreach Efforts**

Metro participates in community events to provide information on services available. Below is a sample of outreach events attended by Metro staff during 2019. Due to the COVID pandemic in 2020, outreach activities were limited to social media posts through Facebook.

#### Kalamazoo County Mental Health Fair - 2019

Distributed bus schedules and information to residents of Kalamazoo County at Expo Center

#### Burdick Street Block Party – 2019

Information on Metro services provided to the community at social agency event

#### Senior Expo – 2019

Fixed Route and Metro Connect (Demand Response) information provided to attendees at Expo Center. Provided a Metro Connect vehicle for participants to see up-close.

#### Kalamazoo County Veterans Administration Stand Down – 2019

Provided information on Metro bus system and how to obtain disability cards at Salvation Army. Free bus fare on fixed route and demand response for active and retired veterans.

#### Project Connect – 2019

Staff distributed information on system to attendees at Expo Center. Attendees are referred to event through Department of Human Services and other social agencies in county

### Neighborhood Association Block Parties – 2019

Metro presented Metro information to Edison Neighborhood Association event.

### Speak On It with Double A (Touch Radio 95.5 FM and 1560 AM Stations) – 2019, 2020

Saturday morning radio show where Metro staff talked about late night and Sunday bus service, new methods of paying for fares with Token Transit, COVID-19 bus service in the community and other transit news.

### Kalamazoo County Response Consortium 2020, 2021

Monthly Zoom meetings with county agencies providing updates on Metro COVID-19 schedules, route changes, and safety protocol.

## **Public Participation in the Planning Process**

Metro participates in the transportation planning process through the Kalamazoo Area Transportation Study, the MPO for the Kalamazoo Urbanized area. Projects are submitted for inclusion in the Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), and the Metropolitan Transportation Plan (MTP). The Kalamazoo Area Transportation Study has a comprehensive Public Participation Plan in Transportation Decision Making that provides opportunities for public comment at critical stages of the planning process. The KATS Public Participation Plan is available at [www.katsmpo.org](http://www.katsmpo.org).

## **Subrecipient Compliance of Title VI Requirements**

Per the adopted Subrecipient and Third Party Contractor Oversight Procedures (January, 2017), Metro will perform the following to ensure compliance by subrecipients:

*All subrecipients and third party contractors must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. The subrecipient and/or third party contractor must ensure that federally supported transit services and related benefits are distributed in an equitable manner. Subrecipients and third-party contractors are responsible for ensuring that they comply with Title VI requirements such as; notifying customers of their rights under Title VI; having Title VI complaint procedures; taking reasonable steps to ensure access to Limited English Proficiency (LEP) populations; and seeking out the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities. Metro should be informed of any Title VI complaints received by its subrecipients or third-party contractors.*

*Key Requirement:*

- *Subrecipients and third-party contractors delivering transportation services with FTA funds must notify Metro immediately (within 48 hours) of any complaints received.*
- *Revisions to Title VI Plans must be submitted to Metro within 30 days of FTA approval. Revisions are required every three years.*

*All service revenue vehicles must have a Title VI poster placed on them in clear view of all passengers.*

Metro entered into an agreement with the Van Buren Public Transit system with the Van Buren Public Transit system being the subrecipient of a portion of Metro's Section 5307 funding. The Van Buren system provides demand response service to Van Buren County, Michigan. With this agreement, Metro will monitor Van Buren Public Transit's Title VI compliance. This will include:

- Request of Van Buren Public Transit's Title VI report with a copy to be on file at Metro's offices at 530 North Rose Street. Within the report, items to be noted by Metro will be:
  - Title VI requirements outlined under Title VI Circular 4702.1B including notices to the public, procedures for complaints, and contact person within organization.
  - A Limited English Proficiency (LEP) Analysis and education process for Van Buren Public Transit's staff
  - Identification of community outreach

Metro will also request in writing of any Title VI complaints from Van Buren Public Transit and provide information and education on their Title VI requirements under the Federal Transit Administration's Title VI program as part of the monitoring of subrecipients.

# Service Standards

## Vehicle Load, Headway, On-Time Performance, & Availability

The Federal Transit Administration requires all fixed-route public transportation providers to develop quantitative standards for each transportation mode: vehicle load, vehicle headway, on-time performance, and service availability. Individual public transportation providers set these standards; therefore, these standards will apply to each individual agency rather than across the entire industry.

Metro has adopted system-wide service standards for its fixed route and demand-response services. These standards – summarized below – were developed and implemented to better help Metro in its goal of achieving equity among all transit customers in service design and operations decisions.

### Vehicle Load Standards

Load factor is generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, a 1.0 load factor means that every seat on a 40-foot bus is occupied; and a load factor of 1.3 means that every seat on the bus is full and the number of standees equals 30% of the number of seats on the bus, or approximately 12 standees.

Factors used to determine maximum load factors on Metro vehicles include the following:

- Current and expected fixed-route ridership counts
- Expected standing time during the hourly fixed route headways
- The number of passenger entry/exit doors available per service vehicle category
- Internal movement for boarding/alighting passengers, particularly with single-door vehicles.

For Metro, the average of all loads during a peak or off-peak operation should not exceed vehicles' achievable capacities, which are 33 passengers for 29.5' Gillig low floor bus, 40 passengers for a 35' Gillig low floor bus, and 52 passengers for a 40' low floor bus.

The data is additionally expressed in tabular format below:

<b>Fixed Route Vehicle Type</b>	<b>Seated</b>	<b>Standing</b>	<b>Total</b>	<b>Maximum Load Factor</b>
29.5' Gillig Low Floor	26	7	33	1.3
35' Gillig Low Floor	31	9	40	1.3
35' Gillig Low Floor Hybrid Electric	32	9	41	1.3
40' Gillig Low Floor	40	12	52	1.3

**Vehicle Headway Standards**

Vehicle headway is defined as the measurement of time between buses on a transit line. At Metro, service operates on 21 routes with 9 routes every 60 minutes (50-55 minutes on-route, 5-10 minutes transfer time) from early morning to night six (6) days a week. Hourly service should begin no later than 6:00 a.m. and continue until 12:00 a.m. weekdays and 10:00 p.m. Saturdays. Twelve routes operate every 30 minutes (25 minutes on-route, 5 minutes transfer time) from early morning to early night six (6) days a week. Half hour service also should begin no later than 6:00 a.m. and continue until 7:00 p.m. Sunday bus service operates hourly with start time of 8:15 a.m. to 5:08 p.m.

Fixed-route planning and scheduling involves consideration of a number of factors, including but not limited to: transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to major transportation developments, land use connectivity, and realized and expected ridership trends and growth rates.

**On-Time Performance**

Metro – in keeping with industry standards – considers a fixed-route vehicle on time if it arrives at a bus stop no more than one (1) minute early and departs no more than five (5) minutes late. The on-time performance definition for demand-response service is the arrival of the vehicle for pickup within the prearranged 30-minute window of time.

Metro has an overall on-time performance goal of 82%. Work continues to review the on-time performance of each route and regularly reviews conditions impacting performance, including schedules, time points, and traffic.

<b>Fiscal Year</b>	<b>% On-Time</b>	<b>% Late</b>	<b>% Early</b>
FY 2018 (738,044 Departures)	75.1%	22.7%	2.2%
FY 2019 (738,044 Departures)	78.9%	19.2%	1.9%
FY 2020 (491,240 Departures)*	82.3%	15.4%	2.3%

\* Reduced schedule due to COVID-19 starting in March 2020 and continuing to September 2020

### **Service Availability**

Service is provided within Kalamazoo County. The service area is 132 square miles with a population total of 209,703 (2019). Fixed-route buses provided 2,599,958 annual unlinked trip miles of service in FY 2019 with 131,145 hours in service on 21 bus routes (NTD 2019 Annual Agency Profile). Demand-response service covers all of Kalamazoo County.

Metro's demand-response service, Metro Connect, provides service during times and hours that are complimentary to the fixed-route bus service. Following the requirements of the Americans with Disabilities Act of the United States Department of Justice Civil Rights Division, demand-response service for ADA-qualifying passengers is provided within  $\frac{3}{4}$  of a mile of a regular fixed-route bus route.

### **Service Standards on Demand-Response Vehicles**

Shared rides shall be arranged whenever possible, and at a minimum, whenever two or more recipients of the service are traveling near the same places at approximately the same times.

Services are to be provided to passengers within a 30-minute window of the scheduled pick-up time. Drivers may arrive up to fifteen (15) minutes prior to the scheduled pick-up time. However, drivers may not leave a scheduled pick-up location until either all scheduled passengers have boarded or five (5) minutes past the scheduled pick-up time when the passenger(s) have not boarded the vehicle. Before departing any scheduled pick-up location, a driver must notify their dispatch office and receive permission from the dispatcher to record the trip as a "no show."

Passengers shall be notified by telephone if their scheduled vehicle is anticipated to arrive more than fifteen (15) minutes later than the scheduled pick-up time. If the passenger does not receive any call within thirty (30) minutes of scheduled pick up time and still takes the trip, that trip will be free to the passenger. Pick-ups are to be on time a minimum of 95% of the time.

Passengers will be dropped off at their destinations in a timely manner. Passengers should not be dropped off more than thirty (30) minutes prior to appointments, work or desired drop off times. Passengers will not be dropped off before buildings open and there is no place they can wait.

All ADA passenger trips should be comparable to trip distances and associated travel times to those of the fixed-route service areas where those trips take place to ensure there is no practice or pattern of excessive trip lengths. At least 95% of complementary ADA paratransit trips shall have travel times equal to or less than comparable fixed-route travel times, taking into account the time it takes to walk to a stop, waiting times, in-vehicle times and transfer times. This standard may be relaxed, for example, in the event of inclement weather. Demand/Response passengers should not be kept on any vehicle longer than the reasonable amount of time to pick-

up passengers along a route and complete the length of the route. Demand/Response travel times shall not exceed one (1) hour.

## **Service Policies—Vehicle Assignment & Transit Amenities**

Federal regulations require that system-wide policies are adopted and are necessary to guard against discriminatory service design or operations and policies that have disparate impacts.

### **Vehicle Assignment Policy**

Vehicle assignments within Metro’s service area are based on need criteria. The criteria include:

*All of Metro’s fixed-route buses are equipped with wheelchair lifts and can accommodate up to two wheelchairs. The fleet is comprised of 29.5’, 35’ and 40’ vehicles. These vehicles are assigned at random to scheduled routes based on the demand for seating and accessibility of the route. Those routes servicing tight lot areas are typically assigned 35’ buses to allow safe passage and those routes with higher passenger use are more often assigned 40’ buses to accommodate need for space within the vehicles.*

### **Equity Evaluations**

Metro, like other transit agencies, adjusts services periodically to ensure that the needs of the community take into consideration growth and change and that the needs of individuals are being met in a way that service is provided throughout the Kalamazoo County service area. Metro anticipates routine schedule adjustments, service additions, and service deletions in response to both ridership levels and community requests. Metro considers Title VI requirements in the planning and implementation of services and in revision of services.

### **Transit Amenities Policy**

Metro has in place a policy regarding the implementation of transit amenities, defined as an investment in property or services that make riding public transportation a more pleasant experience. Transit amenities typically include the installation of such things as bus stop shelters, benches, or trash receptacles, but may also include enhanced signage, transit vehicle improvements, technological upgrades (wireless internet), the design of new services or routes, rider incentive programs, or the locating of transit service facilities.



Factors generally considered in the creation, placement or installation of transit amenities:

- Availability of funding from federal, state, or local government, or through partnerships with the public
- Number of passengers using a bus stop or expected to benefit from the enhancement
- Community input or suggestion
- Proximity to commercial, medical, or residential areas or existing accessible sidewalks
- Proximity to inbound/outbound portions of a route or transfer points to other fixed routes
- Space or property availability for amenity construction – whether within the public right-of-way or through private property legal agreements
- The physical suitability of placement
- Overall safety and ease of accessibility

The standards listed below are to be applied when making a bus shelter location recommendation. These standards are based on criteria suggested in the Transit Cooperative Research Program (TCRP) Report 19 – *Guidelines for the Location and Design of Bus Stops*. This report indicated that in most cases, the estimated number of passengers boarding had the greatest influence on bus shelter locations. Based upon this, the criteria used to evaluate the potential for placing a bus shelter is on a weighted-point system with estimated passengers boarding receiving the most weight, but without it alone being the final or only criteria. The standards with their accompanied weight are as follows:

<b>WEIGHT</b>	<b>STANDARDS</b>
6	Passenger boardings are estimated at 25 boardings or more per day
3	Space available to construct a bus shelter includes ~ safe pedestrian access ~ visibility for vehicles ~ visibility for waiting passengers
3	Neighborhood or community request
2	Cost to make the location accessible should not exceed the cost of the bus shelter
2	An estimated 15% of users will be older individuals and/or physically challenged
1	Location is within walking distance of a major traffic generator or activity center

It should be noted that the TCRP Report recommends the following boarding levels by area type:

<b>LOCATION</b>	<b># BOARDINGS</b>
Rural	10 per day
Suburban	25 per day
Urban	50 - 100 per day

Selection of any of the above that accumulates eight (8) or more points indicates the suggested locations meets the standards of Metro.

Metro believes the most successful public transit improvements are those that fulfill an important community need. Providing an amenity that is in demand by passengers can lead to successful implementation. It remains important as well to consider potential passengers and the amenities that are important to them. Additionally, in the planning and placement of transit amenities, careful consideration and review will always be followed to ensure that all citizens receive equal consideration and experience full participation and benefit without regard to minority and/or low income status.

## **Equity Analysis for Facilities Construction**

Since the adoption of the Title VI plan in 2018, there has not been any construction of facilities that would have required an equity analysis. There are no existing plans for Facilities Construction in the future for Metro. If future planning will include Facilities Construction, this section of the Title VI Program and Procedures will be reviewed prior to planning of the Facilities Construction to ensure the Procedures for Equity Analysis are complete.

No projects at Metro require land acquisition and displacement of persons from residences and business.

Appendix J provides key aspects of conducting an Equity Analysis in the event of Facilities Construction, how that analysis relates overall to Title VI and public transportation, and the steps required of Metro, a recipient of FTA financial assistance, in incorporating an Equity Analysis into plans, projects, and activities that receive funding from FTA for Facilities Construction.

# APPENDIX A



## TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint:

Please print clearly:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ (Home) \_\_\_\_\_ (Cell)  
\_\_\_\_\_ (Email)

Person discriminated against: \_\_\_\_\_

Address of person discriminated against: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Please indicate why you believe the discrimination occurred:

- \_\_\_\_\_ Race
- \_\_\_\_\_ Color
- \_\_\_\_\_ National origin
- \_\_\_\_\_ Other

What was the date of the alleged discrimination? \_\_\_\_\_

Where did the alleged discrimination take place? \_\_\_\_\_

Please describe the circumstances as you saw them: \_\_\_\_\_

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Please list any and all witnesses' names and phone numbers:

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What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation. Then, date and sign this form and send to the Metro system Executive Director at:

*Sean McBride, Executive Director*  
*Metro*  
*530 North Rose Street*  
*Kalamazoo, MI 49007*  
*(269) 337-8087*

\_\_\_\_\_  
Your name

\_\_\_\_\_  
Date

**Spanish Edition****TÍTULO VI FORMULARIO DE QUEJA**

El Título VI de la Ley de Derechos Civiles de 1964 exige que "Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de participar en, se le negarán los beneficios o será objeto de discriminación bajo ninguna programa o actividad que recibe asistencia financiera federal." Si cree que lo han discriminado en los servicios de tránsito, proporcione la siguiente información para ayudarnos a procesar su queja:

Por favor imprime claramente:

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad, Estado, Código postal: \_\_\_\_\_

Número de teléfono: \_\_\_\_\_ (home) \_\_\_\_\_ (cell)

Correo electrónico: \_\_\_\_\_

Persona discriminada: \_\_\_\_\_

Dirección de la persona discriminada: \_\_\_\_\_

Ciudad, Expresar, Código postal: \_\_\_\_\_

Indique por qué cree que ocurrió la discriminación:

\_\_\_\_\_ Raza

\_\_\_\_\_ Color

\_\_\_\_\_ Origen nacional

\_\_\_\_\_ Otro \_\_\_\_\_

¿Cuál fue la fecha de la supuesta discriminación? \_\_\_\_\_

¿Dónde tuvo lugar la supuesta discriminación? \_\_\_\_\_

Describa las circunstancias tal como las vio: \_\_\_\_\_

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Indique todos los nombres y números de teléfono de los testigos:

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¿Qué tipo de acción correctiva le gustaría que se tomara?

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Adjunte todos los documentos que tenga que respalden la acusación. Luego, feche y firme este formulario y envíelo al Especialista del Título VI de Metro a:

*Metro  
530 North Rose Street  
Kalamazoo, MI 49007  
(269) 337-8222*

\_\_\_\_\_  
Firma

\_\_\_\_\_  
Tu nombre impreso

\_\_\_\_\_  
Fecha

## APPENDIX B

### Letter of Acknowledgement of Receipt of Complaint

(Insert Date)

(Insert Name)

(Insert Address)

Dear (Insert Name),

Thank you for sharing your concerns. This letter is to acknowledge with you our receipt of your complaint against Metro. The allegations of your complaint are (insert allegations here).

Metro is beginning the investigation process regarding your complaint. If you have any additional information you wish to provide regarding the situation, please contact us at (269) 337-8222, emailing at \_\_\_\_\_ or writing to me at:

Title VI Program Specialist  
Metro  
530 N. Rose  
Kalamazoo, MI 49007

Sincerely,

Sean P. McBride  
Executive Director



## APPENDIX B (continued)

### Letter Notifying Complainant that Complaint is Substantiated

(Insert Date)

(Insert Name)

(Insert Address)

Dear (Insert Name),

The matter referenced from your letter dated (Insert Date) against Metro alleging Title VI violation has been investigated.

An apparent violation of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter, was identified. Efforts are currently underway to correct these deficiencies.

Thank you for bringing this issue to our attention. You were extremely helpful during our review of the situation.

(Extra if warranted: A representative from Metro or from Federal authorities may be contacting you if your services are needed during the administrative hearing process.

Sincerely,

Sean P. McBride  
Executive Director

## APPENDIX B (continued)

### Letter Notifying Complainant that the Complaint is Not Substantiated

(Insert Date)

(Insert Name)

(Insert Address)

Dear (Insert Name),

The matter referenced from your letter dated (Insert Date) against Metro alleging Title VI violation has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Metro has analyzed the materials and facts pertaining to your case for evidence of Metro's failure to comply with any of the civil rights laws. It was found that no evidence existed to indicate that any of these laws had been violated.

Your complaint has not been substantiated, and Metro is closing this issue.

You have the right to 1) appeal within seven (7) calendar days of receipt of this final written decision from Metro and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration  
Office of Civil Rights  
1200 New Jersey Ave. SE  
Washington DC 20590

Sincerely,

Sean P. McBride  
Executive Director

# APPENDIX C

## NOTICE DISPLAYED ON ALL SERVICE VEHICLES:



**Metro operates transportation programs subject to the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964.**

**Your Rights Under Title VI of the Civil Rights of 1964**

The following examples illustrate the application of the nondiscrimination provisions:

1. Any person who is, or seeks to be, a passenger of Metro shall be given access, seating, and other treatment without regard to race, color, or national origin.
2. No person who is, or seeks to be, an employee of the Central County Transportation Authority, Metro, or lessees, concessionaires, contractors, licensees, or subcontractors shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits or employment, on the basis of race, color or national origin.

3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished by Metro on the basis of race, color or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color or national origin.

4. Location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color or national origin.

The Federal Transit Administration (FTA) recommends that Title VI complaints be filed first with Metro.

If you are unsatisfied with our resolution, you may file a complaint with FTA or the US Secretary of Transportation. All complaints must be filed in writing and will receive a written response.

To file a complaint in writing, direct the information to:

Metro, Attn: Title VI Compliance  
530 N. Rose St., Kalamazoo, MI 49007

Please include: your name, address and telephone number; how, when and why you believe you were discriminated against; as much background information as possible; the date, time of day, names of individuals involved, bus number or route number (if possible).

More information on Metro's civil rights program and procedures to file is available by calling (269) 337-8222 or online at [www.kmetro.com](http://www.kmetro.com) or visiting Metro offices at 530 North Rose Street.

## Spanish version available at Customer Service and Administration Office



### Sus derechos bajo el Título VI de los Derechos Civiles de 1964

Metro opera programas de transporte sujetos a los requisitos de no discriminación del Título VI de la Ley de Derechos Civiles de 1964.

Los siguientes ejemplos ilustran la aplicación de las disposiciones de no discriminación:

1. Cualquier persona que sea, o procure ser, pasajero de Metro deberá recibir acceso, asientos y otro trato sin distinción de raza, color o el origen nacional.
2. Ninguna persona que sea, o procure ser, un empleado de la Autoridad de Transporte del Condado Central, Metro, o arrendatarios, concesionarios, contratistas, licenciatarios o subcontratistas será tratado de manera menos favorable que cualquier otro empleado o solicitante con respecto a la contratación, despido, ascenso, salario o cualquier otra condición y beneficio o empleo, por motivos de raza, color o el origen nacional.
3. Ninguna persona o grupo de personas será discriminado con respecto a la ruta, la programación o la calidad del servicio de

transporte proporcionado por Metro por motivos de raza, color o el origen nacional. Frecuencia de servicio, edad y la calidad de los vehículos asignados a las rutas, la calidad de las estaciones que prestan servicio a diferentes rutas y la ubicación de las rutas no se pueden determinar sobre la base de la raza, el color o el origen nacional.

4. La ubicación de los proyectos que requieran la adquisición de tierras y el desplazamiento de personas de sus residencias y negocios no puede determinarse sobre la base de la raza, el color o el origen nacional.

La Administración Federal de Tránsito (FTA) recomienda que las quejas del Título VI se presenten primero a Metro.

Si no está satisfecho con nuestra resolución, puede presentar una queja ante la FTA o la Secretaría de Transporte de los EE. UU. Todas las quejas deben presentarse por

escrito y recibirán una respuesta por escrito.

Para presentar una queja por escrito, dirija la información a:

Metro  
530 North Rose Street  
Kalamazoo, MI 49007

Incluya su nombre, dirección y teléfono; cómo, cuándo y por qué cree que te discriminaron; tanta información de antecedentes; la fecha, la hora del día, los nombres de las personas involucradas, el número de autobús / ruta (si es posible).

Puede obtener más información sobre el programa de derechos civiles de Metro y los procedimientos para presentar una solicitud llamando al (269) 337-8222 o en línea en [www.kmetro.com](http://www.kmetro.com) o visitando las oficinas de Metro en 530 North Rose Street.

## APPENDIX D

### Title VI Transit-Related Investigations, Lawsuits and Complaints Metro – Kalamazoo, Michigan

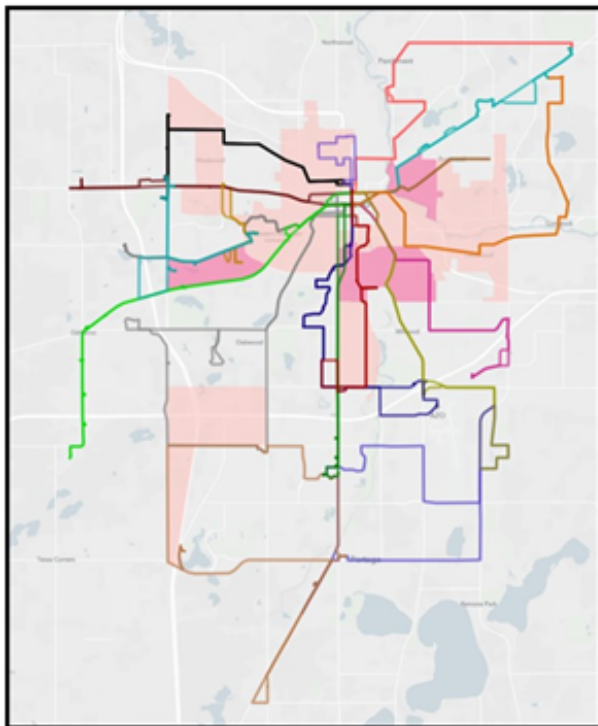
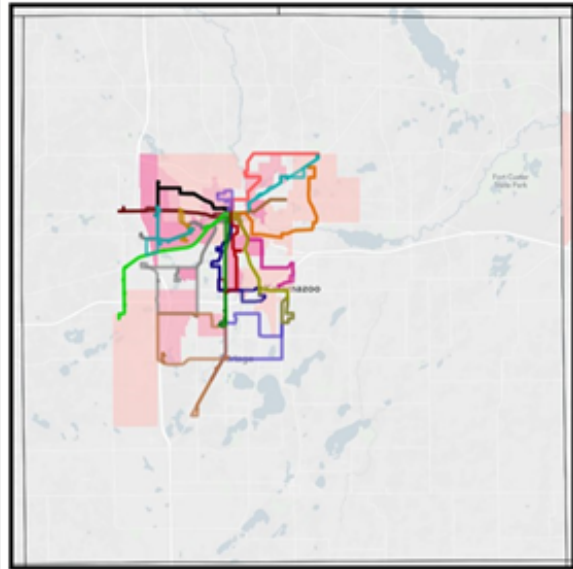
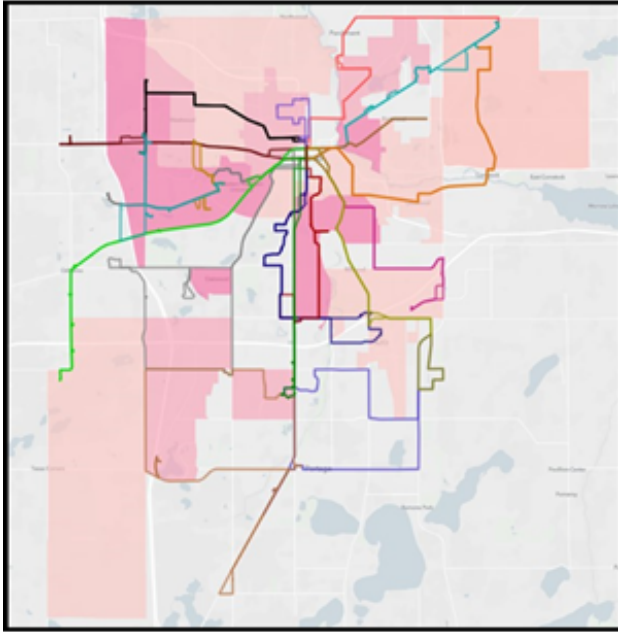
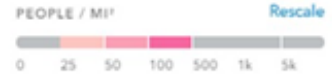
Date	Summary	Status	Action Taken
<b>Investigations</b>			
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
<b>Lawsuits</b>			
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
<b>Complaints</b>			
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Last name, First Name	Basis: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		

# APPENDIX E

## Limited English Populations within Vicinity of Metro Bus Routes and Kalamazoo County / Spanish Speaking Neighborhoods Near Bus Routes

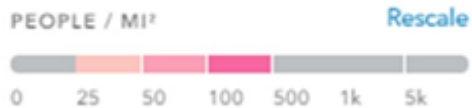
### Limited English

People by square mile who are 5 years or older, who speak English less than "very well"  
By Census Tract



### Limited English: Spanish

5 Years or older speak Spanish and English less than "very well"  
By Census Tract



## APPENDIX F

### Community organizations that service populations with Limited English Proficiency

Hispanic American Council  
930 Lake Street, Suite A  
Kalamazoo, MI 49001  
(269) 385-6279

Area Agency on Aging Region IIIA  
311 East Alcott Street  
Kalamazoo, MI 49001  
(269) 373-5147

Comstock Community Center  
6330 King Hwy. P.O. Box 34  
Kalamazoo, MI 49041  
(269) 345-8556

Disability Network SW Michigan  
517 West Crosstown Parkway  
Kalamazoo, MI 49001  
(269) 345-1516

Douglas Community Association  
1000 West Paterson Street  
Kalamazoo, MI 49007  
(269) 343-6185

Greater Kalamazoo United Way  
709 South Westnedge Avenue  
Kalamazoo, MI 49007  
(269) 343-2524

Gryphon Place (2-1-1)  
3245 South 8<sup>th</sup> Street  
Kalamazoo, MI 49009  
(269) 381-1510

Kalamazoo County  
Health and Human Services Department  
311 East Alcott Street  
Kalamazoo, MI 49001  
(269) 373-5197

KRESA – Head Start  
1819 East Milham Avenue  
Kalamazoo, MI 49002  
(269) 250-9200

Kalamazoo Valley Community College  
6767 West O Avenue  
Kalamazoo, MI 49009  
(269) 488-4400

Michigan Works!  
1601 South Burdick Street  
Kalamazoo, MI 49001  
(269) 383-2536

Ministry with Community  
500 North Edwards Street  
Kalamazoo, MI 49007  
(269) 343-6073

MRC Industries  
2538 South 26<sup>th</sup> Street  
Kalamazoo, MI 49048  
(269)343-0747

Portage Community Center  
325 East Centre Avenue  
Portage, MI 49002  
(269) 323-1942

Portage Senior Center  
320 Library Lane  
Portage, MI 49002  
(269) 329-4555

Residential Opportunities Inc.  
1100 Rose Street  
Kalamazoo, MI 49001  
(269) 343-3731

Senior Services Inc.  
918 Jasper Street  
Kalamazoo, MI 49001  
(269) 382-0515

South County Community Services  
105 S. Kalamazoo Ave.  
Vicksburg, MI 49097  
(269) 649-2901

Shepherd's Center  
1833 South Burdick St.  
Kalamazoo, MI 49001  
(269) 383-1122

Western Michigan University  
Kalamazoo, MI 49008  
(269) 387-1000

## APPENDIX G

### Instructions for Limited English Proficiency Language Interpretation Assistance

**BUS OPERATORS:** It may be difficult for a non-bilingual bus operator to provide assistance to a Limited English Proficiency person who boards the vehicle and requests information.

In such circumstances, the operator is required to:

1. Ask if another passenger on the bus can serve as a translator.
2. Provide the phone number to Metro's Customer Service personnel who will provide translation services.
3. If a riding passenger, direct them to the Kalamazoo Transportation Center where language assistance is available.
4. Document the encounter using an Incident Report Form and returning it to their supervisor, by notifying customer service, or using the form shown in Appendix G.

### CUSTOMER SERVICE/PHONE OPERATORS:

**NOTE: It is against federal law to charge any service fees to a Limited English Proficiency individual. All associated fees must be paid for by Metro.**

If an interpreter is unavailable in the office, follow the instructions shown below. It only takes four simple steps to get connected with an interpreter.

Step 1—Use the Language Flashcard to identify the customer's language.

Step 2—Call AAA Translation: 1-888-263-0481

Step 3—Enter Metro's PIN Code: 9184, and you'll be speaking with an Interpreter within seconds.

Step 4—Remember to document the LEP encounter with form shown in Appendix G.

\*This service is recommended for all non-emergency situations.

AAA Translation Services offers:

- Language interpretation and translation services for more than 150 languages.
- U.S. cost is \$2.25 per minute, billed in one minute increments.
- 24 hours, 7 days a week, 365 days a year.
- On-demand, pay-as-you-go service plan.



## APPENDIX G (continued)

### Limited English Proficiency Documentation Form – To Be Filled Out By Metro Staff

Date of contact: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Location of contact: \_\_\_\_\_

Name of staff member filling out form: \_\_\_\_\_

Indicate language of LEP customer: SPANISH Other: \_\_\_\_\_

Did the LEP customer purchase a bus pass? (Circle one) YES NO

How were the LEP language needs met? (Circle one)

METRO STAFF TRANSLATOR AAA TRANSLATIONS OTHER \_\_\_\_\_

Please describe the nature of the LEP customer's visit:

Were their needs met by the end of the visit? YES NO

Return completed form to Administration Office.

## APPENDIX H

### Policy Regarding the Use of Interpreters/Translators

IMPORTANT: Interpreters and translators should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator.

#### General Guidelines:

1. Be sure to always speak directly to your customer, not to the interpreter.
2. Always use words, not body language or gestures to convey meaning.
3. Speak audibly and in a positive tone.
4. Always speak slowly and clearly.
5. Do not allow the customer to wait alone, or over extended periods.
6. Be prepared to explain technical terms or jargon to the interpreter, especially if the interpreter is unfamiliar with mass transit.
7. When communicating, be sure to use simple vocabulary and easy-to-understand terms.
8. Use short sentences, pausing frequently to allow the interpreter to speak.
9. Ask one question at a time.
10. Do what you can to control the environment.

To help assist the customer, remember to keep the following in mind:

1. Ask your customer if they feel they understand your question and if they need to ask any questions themselves.
2. Ask your customer if they need anything re-explained. If your message is not clearly understood, be prepared to say it differently.
3. If you think that your message may not be fully understood by your customer, double check by saying, "Tell me what you understand."

To help assist the interpreter, remember to keep the following in mind:

1. Allow the interpreter the time needed to provide the clearest interpretation.
2. Allow the interpreter to stop you and seek clarification when appropriate.
3. Allow the interpreter to take notes if things get complicated.
4. Allow the interpreter to clarify cultural issues, if necessary.

## APPENDIX I

### Listing of Bilingual Staff

Name:

Job Title:

Language:

David Gonzalez

Adrian Lopez

Inventory Control Clerk

Spanish

## APPENDIX J

# We Can Help!

**Free language assistance is available. Please proceed to Customer Service and Metro staff will promptly assist you.**

# ¡Podemos ayudar!

**Ayuda gratuita esta disponible. Por favor proceda a Servicio al Cliente y el personal de Metro prontitud ayudarle.**

### **NOTICE: Your rights under Title VI:**

Metro operates without regard to race, color, or national origin. To request additional information on Metro's Title VI obligations, please contact the Title VI staff officer at 269-337-8222. A Title VI complaint form can be obtained at Metro's website [www.kmetro.com](http://www.kmetro.com), by calling 269-337-8222, or via mail by writing:

### **La NOTA: Sus derechos bajo Titula VI:**

Metro opera sin distincion de raza, color u origen nacional. Para solicitar informacion adicional sobre las obligaciones del Titulo VI de Metro, por favor pongase en contacto con el oficial de personal del Titulo VI en 269-337-8222. Una forma de queja del Titulo VI se puede obtener en la pagina web [www.kmetro.com](http://www.kmetro.com) de Metro, llamando al 269-337-8222, o por correo escribiendo a:

Metro  
530 N. Rose Street  
Kalamazoo, MI 49007

# APPENDIX K

## Review of 2018 Approved Title VI Program and Procedures

*Feedback and frequency from documentation/recorded LEP encounters.*

2019: 11 Forms; 2020: 5 Forms 15 Filled out by Customer Service / 1 by Bus Driver

*Establishing whether or not LEP needs have been met through existing assistance.*

Successful fulfillment of request for all 16 encounters

*Nature and importance of activities to LEP persons.*

Ticket purchases, route questions, arrival times

*Evaluating local population/demographic changes, particularly among LEPs.*

Maps included in Appendix E

*Feedback from passengers and community organizations.*

Spanish version of Youth Mobility Pass Program developed by Kalamazoo Public Schools to explain program.

*A review of whether any complaints have been received.*

No complaints received from 2018 to 2021 (March)

*Availability of resources and the costs imposed.*

Website updates to include Spanish complaint form for Title VI = No Cost  
 Signs for COVID-19: Boarding at rear of bus; No standing allowed = No Cost  
 Article on Route 20 East Comstock = No Cost  
 Advertisement in New/Nueva Opinion March 2019 = \$192.00



## APPENDIX L

### GUIDING PRINCIPLES FOR AN EQUITABLE FACILITIES CONSTRUCTION PROJECT

The guiding principles to conduct an Equitable Facilities Construction Project are briefly summarized as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on populations without regard to race, color or national origin.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### EQUITY ANALYSIS FOR FACILITIES CONSTRUCTION

An **Equity Analysis for Facilities Construction** starts with knowing basic socioeconomic information about the people who live and/or work in the community. This information is used to determine whether a proposed activity will affect minority and/or low-income populations, after which a targeted **public engagement plan** can be developed to encourage the full and fair participation by all members of the affected communities. The public engagement plan allows guidance throughout the rest of the analysis as consideration is made to whether the proposed programs, policies, and activities will result in disproportionately high and adverse human health or environmental effects on populations without regard to race, color or national origin.

It is vital that all populations are engaged at all stages of project development in a non-discriminatory manner. The following steps outline the engagement of all persons without regard to race, color or national origin are involved in the transportation decision making process for Facilities Construction.

#### **STEP 1: KNOW YOUR COMMUNITY BY ANALYZING DEMOGRAPHIC DATA**

Creation of a residential demographic profile within the planning or project area using U.S. Census Bureau data—Decennial Census of Population and American Community Survey data. Careful consideration will be used to ensure data is the most up-to-date and reliable while recognizing the purposes for which the data were originally collected, as well as consistency across data sources. Geographic units must be carefully analyzed, to ensure chosen boundaries do not artificially dilute or inflate the affected minority population and/or low-income population.

*IMPORTANT NOTE:* Disproportionately high and adverse effects, not population size, are the bases for the analysis and decisions for Facilities Construction. A very small minority or low-income population in the project, study, or planning area does not eliminate the possibility of a disproportionately high and adverse effect on these populations. Facilities Construction determinations are made based on effects, not population size.

## **STEP 2: DEVELOP A PUBLIC ENGAGEMENT PLAN THAT RESPONDS TO THE COMMUNITY**

When considering whether a potential effect is “adverse,” it is important to include the community that might be impacted by that effect in the discussion. What one population may perceive as an adverse effect, another may perceive as a benefit. It is also possible that, within the same population, the same action may be perceived by various segments as both an adverse effect and a benefit. The fundamental objective of public engagement programs is to ensure that the concerns and issues of everyone with a stake in transportation decisions are identified and addressed in the development of the policies, programs, and projects being proposed within the community.

The **public engagement process** is made more inviting and user friendly by writing clear, concise, and understandable documents; by clarifying the ways for members of the public to provide comments on proposed transportation plans and projects. Examples of methods used to engage the public include:

- Customer comments through surveys and comment cards
- Internet blogs and websites concerning local public transportation
- Public meetings, listening sessions, and community forums
- Public participation/recruitment for major decisions (long range planning or significant capital projects)
- Non-Traditional Outreach, examples of which include:
  - Informal Group Meetings: Existing community group meetings such as neighborhood associations, faith-based coalitions, and advocacy groups
  - Digital Media: Accessible via computer or mobile devices, including social media (e.g., Twitter, Facebook)
  - Direct Mail Campaigns: fliers or handbills distributed by postal mail, or at bus stops or transfer centers, or through partnerships with local schools or businesses, or community-based organizations
  - Community Led Events: Hosting information booths at community events or fairs
  - Partnerships with Community Based Organizations and Leaders

*IMPORTANT NOTE:* Metro is committed to work diligently to engage in meaningful public dialogue with the all populations impacted by its plans, projects, or decisions by listening to what all populations have to say, responding to their comments and concerns, and incorporating those comments into the transportation process where practicable.

Considerations for the importance of **hosting a successful public meeting** are outlined below:

Successful Public Meetings = (Convenient Location + Convenient Times + Open Format)

Although formal public meetings, hearings, and comment periods are often required under Federal, State, or local laws, the most successful outreach engagement strategy should follow a series of more informal meetings with community groups and smaller gatherings of community members.

Key points to remember when planning public meetings include:

Considering the *location* of the meetings, including whether to hold the meeting in a location that serves the interests of all communities, such as community centers, social service organizations, or local schools:

- Is the meeting in a convenient location that is easily accessible by public transit?
- Is the room large enough and comfortable?
- Is the location accessible to persons with disabilities?

The *timing* for the meeting should be designed to allow maximum participation:

- Consider work schedules, school schedules, rush hours, meal hours, and religious worship hours when setting the date and time for the meeting. You may want to schedule more than one meeting and vary the times of meetings.
- Consider whether your community might prefer meetings scheduled for early mornings or weekends.

You should consider the *format* of the meeting to allow maximum input:

- Develop a meeting format that allows everyone to participate if they want to. This may mean setting reasonable time limits for speakers so that a few individuals do not monopolize the meeting.
- Limit your own comments. The purpose of this meeting is to hear from the public.
- Be willing to adapt the room set-up to accommodate the attendees. For example, if 100 people are expected to attend a public meeting, that may require a traditional public meeting set-up (a head table, a podium and rows of chairs, and regulated by an agenda and a 3-minute speaking limit). A meeting with a smaller group may be more informally arranged.

Make the public participation process *accessible to all*:

- Designate a specific employee to accommodate the needs of persons who are linguistically and culturally isolated, as well as persons who have disabilities. You may have obligations under Title VI to provide assistance to persons who do not speak English well or at all.



- When planning accessible public engagement campaigns, it is vital for agencies to consider that people have different learning styles, educational attainment levels, and literacy skills. Therefore, it is a good idea to go beyond the auditory nature of public meetings to include visual and tactile tools and techniques in the overall public engagement strategy.

*Communicate clearly* during the meeting:

- Assess a group's preferred types of communications prior to the meeting.
- Clearly explain the purpose of the meeting and the steps in the process, including the proposed schedule.
- Provide information in plain language. Make sure technical information and complex policies and procedures are described in layperson's terms rather than jargon.
- Spell out acronyms and define technical concepts and terms; Federal, State, and local transportation planning processes are complex.
- Break the plan or project into pieces; plan public sessions that focus on one part or section at a time.

Provide effective *notice to the community*, beyond minimum requirements:

- Post on websites electronic versions of major action documents, proposed transportation plans, and actions by the governing board.
- Use of traditional media sources: local newspapers, radio, television stations.
- Provide a reasonable comment period, with instructions for submitting comments.
- Offer public review during office hours for walk-in customers.
- Use of signage on transit vehicles (internal or external), stations, and bus stops.
- Utilized electronic media for email blasts and social networking posts.
- Posting of notices in Ethnic or Community media.

**IMPORTANT NOTE:** Consider identifying other ways to engage the public that may be less formal than a public meeting or formal listening session. For example, consider attending meetings held within the community or organized by local advocacy groups or faith-based coalitions.

The following are key considerations in **achieving full public participation** in outreach:

- What messages and information will you provide to spark public interest and engagement at the planning stage before project details and spending plans are established?
- Through what means and in what manner will you distribute this information?
- At what stages in the planning process will you engage in outreach and information dissemination?
- How will transportation decision makers learn of issues that are of particular concern to all populations including persons in minority or low-income populations?

- How will you use input from the public, in the planning process, so that their input influences transportation investment decisions?
- How will you evaluate the effectiveness of the public engagement process, including its success in reaching minority and low-income populations?
- Are there barriers to the public engagement process to limited English proficient populations, people with disabilities, etc.? How will you avoid or mitigate those barriers?

**STEP 3: CONSIDER PROPOSED PROJECT, AND LIKELY ADVERSE EFFECTS AND BENEFITS** Determinations of disproportionately high and adverse effects include taking into consideration mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low income populations, as well as the design, comparative impacts, and the relevant number of similar existing system elements in non-minority and non-low income areas.

Whether adverse effects will be disproportionately high is dependent on the net results after consideration of the totality of the circumstances. Reasonable efforts should be made to engage members of all populations who may be impacted by a proposed project, program, or activity, regardless of whether or not it is considered the proposed activity will have an overall benefit to the community.

Examples of adverse effects and benefits include:

*ADVERSE EFFECTS:*

- Air and water pollution, soil contamination
- Destruction or disruption of man-made or natural resources
- Adverse impacts on community cohesion or economic vitality
- Noise and vibration
- Effects on property values

*BENEFITS:*

- Decrease in travel time
- Improved air quality
- Expanded employment opportunities
- Better access to transit options
- Improved quality of transit service
- Increased property values

**DETERMINING WHETHER ADVERSE EFFECT WILL BE BORNE BY ANY SPECIFIC POPULATION**

Whether an adverse effect is “disproportionately high” on minority and low income populations depends on whether that effect is (1) predominantly borne by a specific population, or (2) will be suffered by the population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority or high income population.

Questions to be considered when determining whether a disproportionately high and adverse impact exists include:

- Whether the adverse effects impact populations of people in comparison with one another?
- Whether cumulative or indirect effects would adversely affect a population of people?
- Whether mitigation and enhancement measures will be taken any population of people?
- Whether there are off setting benefits to some areas of population as compared to others?

**STEP 4: SELECT ALTERNATIVE, INCORPORATE MITIGATION AS NEEDED**

If after considering the adverse effects and potential benefits of the proposed project it is determined that the proposed project will have a disproportionately high and adverse effect on populations based on race, color or national origin, it should then be determined whether further mitigation measures or alternatives are practicable—and implement practicable mitigation measures or alternatives—before moving forward with the activity. “In determining whether a mitigation measure or an alternative is ‘practicable,’ the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

*IMPORTANT NOTE:* Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Accordingly, a program, policy, or activity that will result in a disparate impact as to one of these protected classes may be carried out only if: (1) the recipient can demonstrate a substantial legitimate justification for the program, policy or activity; and (2) there are no comparably effective, reasonable alternative practices that would result in less disparate impacts.

## **APPENDIX M**

### **Authority Board Review & Approval of Title VI Program and Procedures Plan**