



TITLE VI
NON-DISCRIMINATION PLAN
City of Midland Dial-A-Ride

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Introduction

The City of Midland Dial-A-Ride provides demand response, curb-to-curb, public transportation within the City limits of Midland.

The goal of Dial-A-Ride is to provide safe, effective, well-maintained, efficient, and economical transportation system. Dial-A-Ride serves all people within the City of Midland, including minority populations, low-income populations, the elderly, persons with disabilities, and those who need public transportation in the area. Dial-A-Ride recognizes its responsibility to provide fairness and equity for all passengers, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

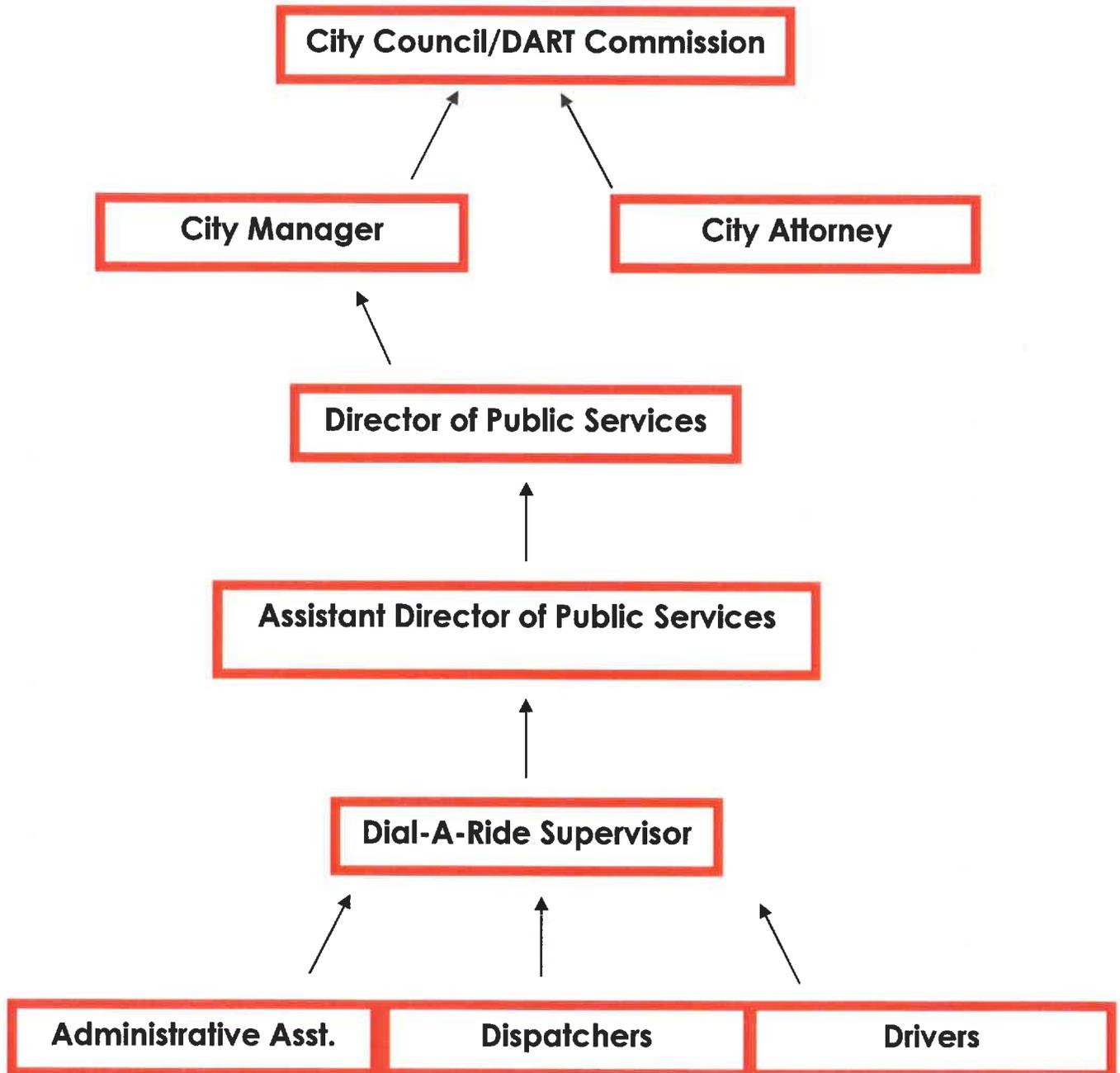
Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the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

In addition to statutory regulations, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed by President Clinton in 1994, requires federal agencies to achieve Environmental Justice as part of their missions by identifying disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that in addition to not be subjected to discrimination on the basis of race, color, or national origin, no person shall be denied access based on limited ability to speak, write, or understand the English language under any program or activity that receives federal financial assistance. In accordance with this Executive Order, City of Midland Dial-A-Ride has undertaken a Limited English Proficiency review, which is included later in this document.

As a direct recipient of federal funds through the Federal Transit Administration, City of Midland Dial-A-Ride is required to meet the provisions of the laws, statutes, and Executive Orders described above.

City of Midland Dial-A-Ride Organizational Chart



City of Midland Dial-A-Ride Goals and Objectives of Title VI Program

Dial-A-Ride has developed this Title VI Plan to assure that programs and activities of Dial-A-Ride are conducted and administered fairly, without regard to race, color, national origin, or limited English proficiency. The primary goals and objectives of Dial-A-Ride's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by Dial-A-Ride transportation receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, or limited English proficiency;
3. To prevent discrimination in Dial-A-Ride transportation services, programs, or activities, whether those services are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person;
5. To establish procedures to annually review Title VI compliance;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in Dial-A-Ride transportation services, programs, or activities.

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

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

Title VI Authorities

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42USC 4601 to 4655; 23 USC 109(h); Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

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

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

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

USDOT Order 1050.2: Standard Title VI Assurances

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

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

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

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

Definitions of terms are provided in Appendix A.

Regulatory Requirements

City of Midland Dial-A-Ride, as a recipient of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b) (1)** - Establish a civil rights unit and designate a coordinator.
2. **23 CFR 200.9(b) (3)** - Develop procedures for prompt processing and disposition of Title VI complaints received directly by City of Midland Dial-A-Ride and not received by FHWA, FTA, or FAA.
3. **23 CFR 200.9(b) (4)** - Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of City of Midland Dial-A-Ride programs.
4. **23 CFR 200.9(b) (5)** - Develop a program to conduct Title VI reviews of program areas.
5. **23CFR 200.9(b) (8)** - Review City of Midland Dial-A-Ride directives in coordination with state program officials and, where applicable, include Title VI and related requirements.
6. **23 CFR 200.9(b) (9)** - Attend training programs on Title VI and related to keep up-to-date on Title VI changes.
7. **23 CFR 200.9(b) (10)** - Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
8. **23 CFR 200.9(b) (13)** - Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
9. **23 CFR 200.9(b) (14)** - Establish procedures to identify and eliminate discrimination where found.
10. **23 CFR 200.9(b) (15)** - Establish procedures for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.
11. **49 CFR 21.5(b) (1)** - A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.
 - i. Deny a person any service, financial aid, or other benefit provided under the program;
 - ii. Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
 - iii. Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
 - iv. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
 - v. Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons

must meet in order to be provided any service, financial aid, or other benefit provided under the program;

vi. Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

vii. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

12. **Executive Order 12898** - Ensure Environmental Justice principles are integrated into procedures and programs.

13. **Executive Order 13166** - Ensure that appropriate Limited English Proficiency processes and procedures are implemented.

Related Laws and Statutes

14. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970.**

15. **Michigan's Elliott-Larsen Civil Rights Act** - Prohibits discrimination on the basis of race, color, religion, sex, national origin, height, weight, and marital status.

Policy Statement

The City of Midland Dial-A-Ride is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. The City of Midland Dial-A-Ride assures that no person shall on the grounds of race, color, national origin, or limited English proficiency, be excluded from participation in, be denied the benefit of, or be otherwise subjected to, discrimination under any City of Midland Dial-A-Ride program or activity, whether or not the program or activity receives federal financial assistance. The City of Midland Dial-A-Ride further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs or activities on any person, including minority populations and low-income populations.

The City of Midland Dial-A-Ride conducts its Title VI/Environmental Justice Program by involving all The City of Midland Dial-A-Ride personnel. The Assistant Director of Public Services has been identified as the Title VI Coordinator for the City of Midland Dial-A-Ride and is responsible to ensure the City of Midland Dial-A-Ride compliance with the Title VI regulations.

The City of Midland Dial-A-Ride will comply with all federal regulations and report complaints of discrimination to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer.

Inquiries concerning City of Midland Dial-A-Ride policies, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI may be directed to: The City of Midland, Attn: Assistant Director of Public Services, 333 W Ellsworth Street, Midland, MI 48640, phone (989) 837-6908 or email jyuergen@midland-mi.org.

This policy statement will be circulated throughout The City of Midland Dial-A-Ride and will be included by reference in all contracts, agreements, and programs administered by The City of Midland Dial-A-Ride.


C. Bradley Kaye, City Manager

Date 8-9-18


Jan Yuergens
Assistant Director of Public Services

Date 8-9-18

**City of Midland
Dial-A-Ride
Title VI Assurance**

The City of Midland Dial-A-Ride (hereinafter referred to as the “Recipient”) **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color, national origin, disability, or limited English proficiency, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and

HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the Federal Aid highway program:

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

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

3. That the Recipient shall insert the clauses of Appendix D of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
4. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

5. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
6. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under any federally funded program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved, under a federally funded program.
7. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipients or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assistance.

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

City of Midland – Dial-A-Ride


C. Bradley Kaye
City Manager

Date 8-9-18

Administration - General

The City of Midland's Assistant Director of Public Services, as a designated Title VI coordinator, shall have lead responsibility for coordinating the administration of the Title VI and related programs, plans, and assurances. The Assistant Director will ensure the implementation and monitoring of the Title VI Plan.

The current contact information for Title VI coordinator is as follows:

Assistant Director of Public Services
City of Midland Dial-A-Ride
333 W Ellsworth Street
Midland, MI 48640
(989) 837-6908
Email: jvuergen@midland-mi.org
Website: <http://www.cityofmidlandmi.gov/165/Dial-A-Ride>

Title VI Responsibilities

The Assistant Director of Public Services, as a designated Title VI coordinator, will:

- Ensure that all aspects of the planning process comply with Title VI and Environmental Justice (EJ)
- Serve as a resource person, helping to ensure participation of a cross section of people including various and diverse social, economic and ethnic interest groups are represented in the planning process
- Process Title VI complaints received by the City of Midland Dial-A-Ride
- Compile and collect, as needed, statistical data (race, color, and national origin) of participants in, and beneficiaries of the City of Midland Dial-A-Ride plans and programs
- Conduct reviews of Title VI program areas as necessary to determine the effectiveness of the program at all levels
- Review internal policies and, where applicable, incorporate procedures to ensure compliance with Title VI
- Attend training on Title VI, as made available

Complaints

If any individual believes that s/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), s/he may exercise their right to file a complaint with the City of Midland Dial-A-Ride. Every effort will be made to resolve complaints informally at the lowest level.

Complaints may be filed with the City of Midland's Assistant Director of Public Services. Complaints may also be filed directly with the U. S. Department of Transportation, Federal Transit Administration, 200 West Adams Street, Suite 320, Chicago, IL 60606-5253.

Data Collection

Statistical data on race, color, national origin and English language ability of participants and beneficiaries of City of Midland Dial-A-Ride programs, will be gathered and maintained by City of Midland Dial-A-Ride. The compilation procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI and Environmental Justice (EJ) program.

Title VI Reviews

The designated Title VI Coordinator will conduct the Title VI program reviews to assess the administrative procedures, staffing and resources available to Title VI compliance.

Remedial Action

City of Midland Dial-A-Ride will actively pursue the prevention of Title VI and Environmental Justice deficiencies and violations and will take necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and subsequently set it (them) in writing to effect compliance may not exceed 90 days from the day deficiencies are found.

FILING A TITLE VI COMPLAINT

Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City of Midland Dial-A-Ride programs, activities and services as required by statute.

Purpose

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

Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

Filing a Complaint

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

Applicability

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

Eligibility

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

Time Limitation on Filing Complaints

Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City of Midland Dial-A-Ride must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have sixty (60) additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

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

- An anonymous complaint that is too vague to obtain required information
- Inquiries seeking advice or information
- Courtesy copies of court pleadings
- Newspaper articles
- Courtesy copies of internal grievances

INVESTIGATION

Investigation Plan

The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- When the City of Midland does not have sufficient jurisdiction, the Title VI coordinator will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

Investigation Reporting Process

- Complaints made against the City of Midland sub-recipient should be investigated by the City following the internal complaint process.
- Within 10 days, the Title VI Coordinator will provide written acknowledgment to the complainant by registered mail.
- If a complaint is deemed incomplete, additional information will be requested and the complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- Within fifteen (15) business days from receipt of a complete complaint, the City of Midland will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation.
- Within forty (40) days of receiving the complete complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the City of Midland's office for review.
- Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter sent to Complainant by registered mail.
- Letters of finding will be sent to the complainant within ninety (90) days from receipt of the complete complaint, unless an extension has been granted.

- If the complainant is dissatisfied with the City of Midland's resolution of the complaint or wishes to file the complaint directly with the FTA they can submit their complaint to the FTA at the address below:

**U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606-5253**

Retaliation

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

**Assistant Director of Public Services
333 W. Ellsworth
Midland, Michigan 48640
Phone: (989) 837-6908
Fax: (989) 835-5651
E-mail: jyuergen@midland-mi.org**

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Federal Transit Administration, Civil Rights Program, 200 West Adams Street, Suite 320 Chicago, IL 60606-5253 within sixty (60) days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three (3) years.

See Appendix D for City of Midland Dial-A-Ride Complaint Form.

Title VI Plan Distribution & Posting

Title VI information shall be disseminated to City of Midland Dial-A-Ride employees via the Employee Education form (see Appendix E). This form reminds employees of the City of Midland Dial-A-Ride policy statement and of their Title VI responsibilities in their daily work and duties.

During new employee orientation, new employees shall be informed of the provisions of Title VI and City of Midland Dial-A-Ride's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix F).

All revenue vehicles and Dial-A-Ride offices will display posters with the following information:

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

City of Midland is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by City of Midland, or otherwise being discriminated against because of your race, color, national origin, you may contact:**

**Assistant Director of Public Services
Title VI Coordinator
City of Midland Dial-A-Ride
333W. Ellsworth Street
Midland, Mi 48640
989-837-6908**

Language interpretation services are available upon request. Contact the Dial-A-Ride office at 837-6940.

For more information, visit our website at www.cityofmidlandmi.gov/DART

Annual Work Plan

The Assistant Director of Public Services shall have lead responsibility for coordinating the administration of the Title VI and related programs, plans, and assurances.

Title VI Plan Updates will be completed when conditions change which impact the provisions of the current Plan, or when the Federal Transit Administration requires an update. There will be Title VI compliance reviews on sub-recipients only when the City of Midland-Dial-A-Ride contracts out to carry a portion of its program.

Limited English Proficiency Plan

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

Guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals. It is essential that The City of Midland Dial-A-Ride personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about diverse clientele in its service area.

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

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

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

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

The intent of the guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The Four-Factor Analysis

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered by the City of Midland Dial-A-Ride program, service, or activity.

The Census Bureau has a range for four (4) classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the American Community Survey 2012-2016 Data for the City of Midland shows a small amount of the population that would speak English less than 'very well'.

TABLE #1

2012-2016 American Community Survey - 5 Year Estimates		
LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage of Total Population
Population 5 years and over	39,767	
English only	37,145	93.40%
Language other than English	2,622	6.60%
Speak English less than "very well"	885	2.20%
Spanish	360	0.90%
Speak English less than "very well"	71	0.20%
Other Indo-European languages	880	2.20%
Speak English less than "very well"	234	0.60%
Asian and Pacific Islander languages	1195	3.00%
Speak English less than "very well"	569	1.40%
Other languages	187	0.50%
Speak English less than "very well"	11	0.02%

The table shows the different language groups within the City of Midland Dial-A-Ride area and the total number of each group that speaks English less than "very well." It also shows the percentage of the total population that speaks English less than "very well" per language group. The total percent of all the language groups for the City of Midland Dial-A-Ride area is 1.2%.

The threshold for addressing Limited English Proficiency is 1,000 populations for each language group or 5% of total population. The analysis shows that the City of Midland Dial-A-Ride is well below the population threshold as well as the percentage threshold, i.e. has very few LEP persons within its service area.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, "*Certain recipients, such as those serving very few LEP persons or those*

with very limited resources, may choose not to develop a written LEP plan." The City of Midland Dial-A-Ride fulfills both conditions but will offer translation services upon request. Please see the Language Assistance Program for details.

Factor 2: The frequency with which LEP persons come in contact with the City of Midland Dial-A-Ride program, activity, or service.

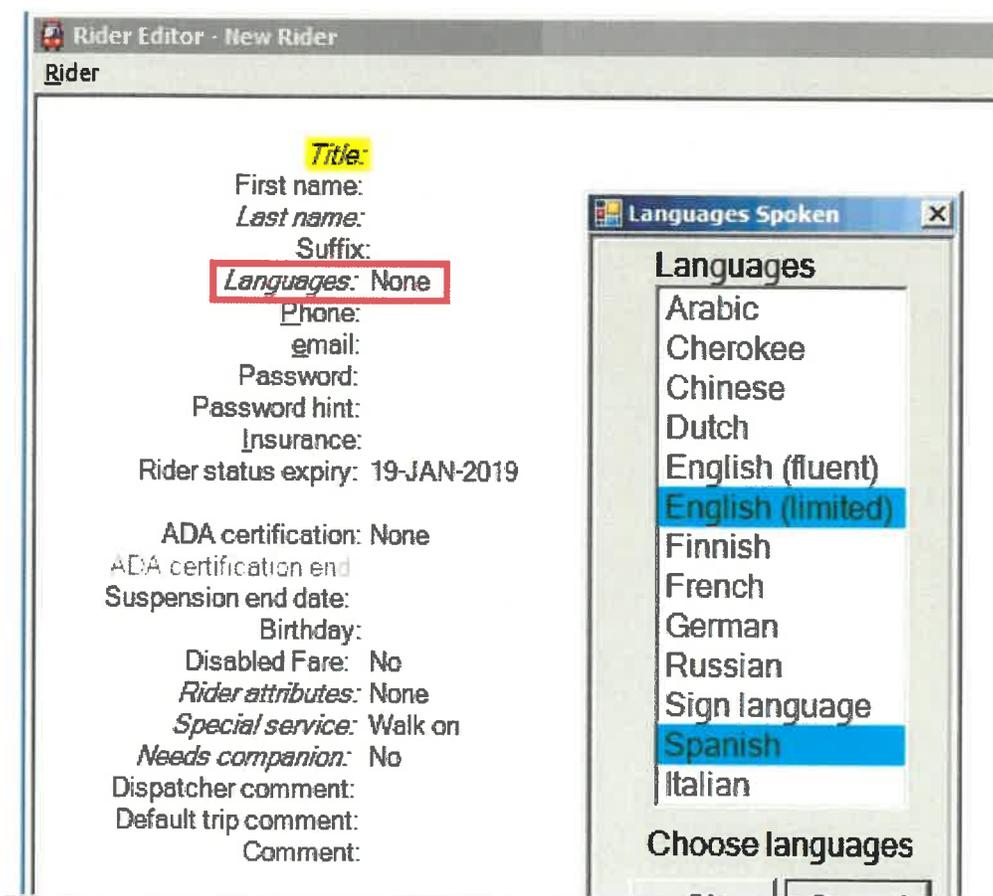
In January 2016 the City of Midland Dial-A-Ride implemented a program for all call takers to submit, on a daily basis, the number of times they came in contact with an individual with limited English proficiency. This program did not include drivers as the call takers provide the pickup and drop off information to the drivers. Each call taker is provided with a daily sheet to track this information. The daily sheets are then entered into a spreadsheet.

During 2016 the City of Midland Dial-A-Ride averaged 6.942 calls per week. Based on a total annual ridership of \$106,000, approximately (.0034) our services are provided to LEP persons.

During 2017 City of Midland Dial-A-Ride averaged 1.115 calls per week. Based on a total annual ridership of \$111,000, approximately (.0005225) of our services are provided to LEP persons.

In 2017 the City of Midland Dial-A-Ride requested our dispatch software provider to develop a location on the driver's daily manifest to record contact with LEP persons.

In 2018 the City of Midland Dial-Ride's dispatch software provider developed a software program to help us identify LEP individuals and the frequency in which they use our service. See example below:



Factor 3: The Nature and Importance of the Program, Activity, or Service by City of Midland Dial-A-Ride to the LEP population.

Transportation plays an important role in the lives of City of Midland residents including LEP individuals. The City of Midland Dial-A-Ride is committed to providing safe and reliable transportation services to the LEP population as well as all the residents of the City of Midland. The City of Midland's website provides language translation regarding services provided by Dial-A-Ride. If language interpretation services are needed the City of Midland Dial-A-Ride will strive to translate documents or service related information into other languages upon request. To date the City of Midland Dial-A-Ride has not received a translation request.

Factor 4: The Resources Available to City of Midland Dial-A-Ride and the Overall Cost to provide LEP assistance.

The City of Midland Dial-A-Ride will continue to monitor the LEP needs within its service area, and will strive to accommodate any LEP person on a request basis and ensure the following language interpretation measures are in place as requested.

- If an interpreter is needed, in-person, for telephone contact or to translate documents staff can access on-line language assistance services at www.translate.google.com or www.language.com.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*, December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*" The City of Midland Dial-A-Ride fulfills both conditions but will strive to assist LEP persons with the following Language Assistance Program:

Language Assistance Program

Providing Notice of Available Language Service to LEP Persons

The City of Midland Dial-A-Ride has implemented the following measures to publicize the availability of language interpretation services that are available upon request:

- Website translation is available on the City of Midland Dial-A-Ride's website at www.cityofmidlandmi.gov/DART
- The City of Midland Dial-a-Ride website provides information on contacting the City of Midland Dial-A-Ride for language interpretation services
- The City of Midland's website offers videos on how to use Dial-A-Ride. These videos provide information on contacting the City of Midland Dial-A-Ride for language interpretation services
- The City of Midland Dial-A-Ride brochure is being updated to provide information on contacting the City of Midland Dial-A-Ride for language interpretation services (at printer for adding this information 8-2018)
- The City of Midland Dial-A-Ride passenger information form provides information on contacting the City of Midland Dial-A-Ride for language interpretation services
- The Title VI Posting for the City of Midland Dial-A-Ride office, breakroom and busses provides information on contacting the City of Midland Dial-A-Ride for language interpretation services

- Bus tickets are imprinted with information on contacting the City of Midland Dial-A-Ride for language interpretation services
- The City of Midland press releases regarding Dial-A-Ride will include information on contacting the City of Midland Dial-A-Ride for language interpretation services
- The ADA posting for the City of Midland Dial-A-Ride office, breakroom and busses includes information on contacting the City of Midland Dial-A-Ride for language interpretation services
- Title VI Complaint form includes information on contacting the City of Midland Dial-A-Ride for language interpretation services

Staff Training

All DART employees and new hires will be provided with the LEP plan and will be educated on procedures and services available.

- Understanding the Title VI LEP program responsibilities.
- Language interpretation services available from the City of Midland Dial-A-Ride.
- How to handle a complaint.

Additional training will be provided to call center staff:

- How to classify LEP individuals as speaking English very well, well, not well and not at all. For documenting purposes, we will consider people that speak English less than 'very well' as Limited English Proficient persons.
- How to register LEP persons utilizing dispatch software to better capture usage of our system by LEP persons and to capture the different languages being used by passengers.

Safe Harbor Stipulation

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

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four-factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful

access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The four factor analysis the City of Midland Dial-A-Ride has conducted indicates that within City of Midland Dial-A-Ride service area, the LEP thresholds are not met in either volume or percentage, however the City of Midland Dial-A-Ride, upon request will translate any vital documents into any foreign language. The City of Midland Dial-A-Ride will endeavor to provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

In addition, given the budget of the City of Midland-Dial-A-Ride and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Midland Dial-A-Ride to provide written/oral interpretation options as needed/requested only.

Notice and Action to LEP Individuals

US DOT LEP guidance states:

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

The four factor analysis the City of Midland Dial-A-Ride has conducted indicates that within City of Midland Dial-A-Ride service area, the LEP thresholds are not met in either volume or percentage, however the City of Midland Dial-A-Ride, upon request will translate any vital documents into any foreign language. The City of Midland Dial-A-Ride will endeavor to provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

The City of Midland Dial-A-Ride will publish the LEP Review as part of the approved Title VI document on its website for public review. The City of Midland Dial-A-Ride will include a non-discrimination notice in its documents, materials, and on its website. Also, City of Midland Dial-A-Ride staff will attend training sessions addressing services to LEP persons when they are available.

LEP Complaint Procedures

Complaints of discrimination involving LEP and related statutes will all be handled using the same complaint procedures and process as outlined in the Title VI Plan Complaint Procedures (Appendix D) in this document. Questions or comments regarding the LEP issues/services should be directed to the Title VI Coordinator, City of Midland Dial-A-Ride, 333 W. Ellsworth Street, Midland, MI 48640, phone: (989) 837-6908 or email: jyuergen@midland-mi.org.

Public Participation

As an agency receiving federal financial assistance, we have made the following community outreach efforts:

Public Meetings

Dial-A-Ride Commission meetings are held annually each spring and the public is invited to attend.

- Potential changes in service, based on community input, are presented to the DART Commission which makes a recommendation to City Council via a public hearing. Should the City Council adopt the changes the information is shared with residents via press releases, notices posted in the busses, phone recordings, public cable TV, notification to service agencies, and public service announcements. City of Midland Dial-A-Ride brochures are then updated and available for distribution.
- Dial-A-Ride submits an annual application for funding to the Michigan Department of Transportation. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Since our last submission the DART Commission has met on the following dates:

- March 27, 2014
- April 16, 2015
- May 2, 2016
- March 13, 2017
- April 26, 2018

DART Commission meeting minutes can be found on the City of Midland's website at:

<http://www.cityofmidlandmi.gov/AgendaCenter/DialARide-Advisory-Commission-16>

DART Training

Dial-A-Ride provides a consumer training program to community groups and individuals to educate and help make using Dial-A-Ride services as user-friendly as possible. This program includes personal visits, upon request to help new riders feel comfortable using our service. These visits include instruction on boarding the bus as a walk-on rider to boarding the bus utilizing the lift with or without a mobility devices and training in maneuvering mobility devices once on the bus.

See Appendix I for handout used for community group presentations.

Customer Complaint Process

The public can contact the DART Supervisor directly at (989) 837-6918, to lodge a complaint or comment. All complaints/comments are documented and the Dial-A-Ride supervisor researches the complaint and responds back to the citizen.

Community Partnerships

- Dial-A-Ride helps to provide transportation services for community based education and work experience programs for Midland County ESA and Midland Public Schools special education students.
- Dial-A-Ride works with Midland County Connection and Bay Metro Transit to provide regional transportation for users.
- The Assistant Director of Public Services sits on the Midland County Connection Local Advisory Committee
- Dial-A-Ride works with Disability Network, Arc of Midland, The Arnold Center and Community Mental Health to provide training for our staff on working with individuals with differing abilities.

Since our last submission the City of Midland participated in the Public Involvement Session sponsored by the City of Midland and the Midland Area Transportation Study (MPO):

Date	Agency	Description
October 14, 2015	MPO	Long Range Transportation Plan
April 25, 2016	City of Midland City Council Meeting	Reinstatement of Sunday Service Public Hearing
May 9, 2016	City of Midland City Council Meeting	Reinstatement of Sunday Service Public Hearing
November 8, 2016	MPO	Midland Area Public Transportation Study
November 16, 2016	MPO	Long Range Transportation Plan
December 1, 2016	MPO	Midland Area Public Transportation Study

Flyers were distributed by DART drivers on busses advertising this opportunity for public involvement and a press release was published by the City Midland.

In addition, a survey was hosted on the City of Midland’s website in conjunction with the Midland Area Public Transportation Study from October 27, 2016 – December 9, 2016 seeking public input on transportation services.

The City of Midland Dial-A-Ride hosts an agency forum quarterly to meet with community partners and passengers to discuss a variety of transportation topics.

The City of Midland includes Dial-A-Ride brochures with all new resident packets and various community agencies, including:

Shelterhouse	Open Door	First United Methodist Church
Midland Area Homes	Midland County Human Services	Michigan Works
United Way of Midland County	Head Start	Disability Network of Midland
ARC of Midland	Council on Again	Community Mental Health
Family and Children Services	J A Counseling	WIC
Bay Metro Transit	Partners in Change	Cleveland Manor
Riverside	Department of Human Services	

Examples of Public Participation Plan Public Notices

NEWS RELEASE

CONTACT: Libby Richart
City of Midland Communications Coordinator
PHONE: 989-837-3307
DATE: October 2, 2015

Transportation Study Open House Set for October 14

October 2, 2015 – The Midland Area Transportation Study (MATS) will host an open house for residents, businesses, and other stakeholders to provide input regarding the region's long-range transportation plan, which includes public transportation providers such as Dial-A-Ride.

With the help of the community, MATS would like to:

- determine a long-term vision with respect to the region's transportation systems;
- identify and discuss goals and objectives of the Long Range Transportation Plan;
- identify and discuss policies, strategies, and projects for the future; and
- Collaborate on all transportation modes.

The open house will be held Wednesday, October 14 from 5-8 p.m. in Council Chambers at Midland City Hall, 333 W. Ellsworth Street, Midland, Michigan.

MATS is part of the Metropolitan Planning Organizations (MPO), a collaborative group of all the governmental agencies and transits that fall within an urbanized area. The MPO is charged with developing short- and long-range plans for all future transportation and transit needs in the area. These plans are required by the MPO in order for the urbanized area to receive federal funds for both highways and transit.

For additional information, visit www.midlandmpo.com or call MATS at 989-832-6812.

NOTICE OF PUBLIC MEETINGS

The Midland Area Transportation Study (MATS) Technical and Policy Committees will meet on **Tuesday, January 5, 2015** at 10:00 AM and 11:00 AM, respectively, at the 4th Floor Conference (Room 472) in the Midland County Services Building, 220 West Ellsworth Street, Midland, MI 48640. During the meetings, an opportunity for public comment will take place regarding transportation issues including MATS' Transportation Improvement Program (TIP) and projects related to FHWA STP funding and FTA 5307/5339/5311 funding. Meeting agendas and supplemental information available online at www.midlandmpo.com. Pursuant to the Americans with Disabilities Act, individuals with disabilities may request aids/services within a reasonable time period to participate. This notice is used to satisfy the public participation process for the Program of Projects (POP) for the City of Midland Dial-A-Ride Transportation (DART), in accordance with Chapter 53 of Title 49 US Code (FTA requirements), and the metropolitan/statewide planning regulations (MAP-21). For more information contact Maja Bolanowska, MATS Director, at info@midlandmpo.com or 989-832-6333.

NEWS RELEASE

CONTACT: Katie Guyer
City of Midland Communications Coordinator
PHONE: 989-837-3307
DATE: June 21, 2016

Dial-a-Ride to Offer Sunday Bus Service During Trial Period

June 21, 2016 – City of Midland Dial-A-Ride will begin offering Sunday bus service beginning Sunday, July 10, 2016, as part of a 12- to 18-month trial service expansion. Following the end of the trial period, Dial-A-Ride will evaluate usage rates and passenger input to determine if Sunday service should be reinstated on a permanent basis.

During this trial period, Sunday bus service will be available from 8:30 a.m. to 2:30 p.m. within Midland city limits. Standard rates of fare will apply for Sunday rides. Phone service hours will not be available on Sunday, so passengers are encouraged to schedule their Sunday rides during DART phone service hours:

- Monday – Friday, 9:00 a.m. – 5:00 p.m.
- Saturday, 8:30 a.m. – 1:00 p.m.

Cancellations for Sunday rides will be accepted until 8:00 a.m. on Sunday. Ride cancellations after 1:00 p.m. on Saturday must be made by calling the Dial-A-Ride After Hours Hotline at 989-837-6999.

For more information, please call Dial-A-Ride at 989-837-6940 or visit the City website at <http://www.cityofmidlandmi.gov/165/Dial-A-Ride>



News Release: Input sought for Midland County Public Transportation Study

November 03, 2016 / Ben Tierney

A study focusing on Midland County's public transportation is currently underway. The goal of the study, being conducted by consulting firm RLS & Associates, is to identify gaps and needs within the service and derive potential solutions for improving the overall system.

The study also seeks to increase accessibility and mobility of Midland County residents, enhance efficient transportation services, and promote cooperation and connectivity between individual providers. Inadequate public transportation was listed as one of the top needs in Midland County according to a needs assessment study completed by the Midland Area Community Foundation (MACF) in 2013.

Midland County residents have an opportunity to submit thoughts and ideas regarding public transportation. An online survey is available at <http://bit.ly/ecityhall> and open to all residents. A paper version of the survey can be picked up and submitted at the Midland Area Community Foundation office, 76 Ashman Circle, between 8AM – 5PM Monday through Friday.

Public input sessions are scheduled for Tuesday, November 8th, 6PM at the Grace A. Dow Memorial Library and Thursday, December 1st, 6PM at City Hall. Free and open to any Midland County resident, the sessions are expected to last 90 minutes. Residents are asked to RSVP by calling the community foundation at 989.839.9661.

Public input on this issue can also be provided on November 16th, 4PM – 7PM at the Grace A. Dow Memorial Library during a public open house for the Long Range Transportation Plan, which is being developed for the Midland area by its Metropolitan Planning Organization, the Midland Area Transportation Study.

“We face some unique challenges regarding public transportation in our community,” said Maja Bolanowska, Midland Area Transportation Study Director. “Dial-A-Ride and County Connection do a wonderful job with their resources, but community feedback seems to be that the first come, first serve reservation system is not ideal for many. We want to look at all of our options and identify potential solutions.”

Funding for the public transportation study comes from a federal grant as well as an \$11,600 grant from MACF. For more information, contact MACF at 989.839.9661 or info@midlandfoundation.org.

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Non-Elected Committees

The City of Midland Dial-A-Ride does not have any advisory committees of which the membership is chosen by our agency. The City of Midland City Council appoints a five member commission (DART Commission) that includes one member with a disability, one member age 65 or older, one member from the Midland Council on Aging and two citizens at large. This committee make up is based on the local advisory requirements of the Michigan Department of Transportation.

Program Specific Requirements

Sub- Recipient Compliance

The City of Midland Dial-A-Ride does not currently subcontract any transportation services.

Equity Analysis for Facility

During the last three years, the City of Midland Dial-A-Ride has not constructed a vehicle storage, operations center or maintenance facility.

Demographic Service Profile

A demographic service profile was not prepared for this plan as the City of Midland does not operate a fixed route service.

Equal Employment Opportunity Program

The City of Midland Dial-A-Ride has completed and submitted the EEO Questionnaire and does not meet the threshold requirements for this program.

Grants, Reviews and Certifications

Pending Applications for Financial Assistance

The City of Midland Dial-A-Ride has no pending applications for financial assistance from any federal agency other than the Federal Transit Administration (FTA).

Civic Rights Compliance Review in the past 3 years

None

Previous Triennial Review Findings

Below is a list of Triennial Review Findings from May 2018:

Review Area	Code	Deficiency
Title VI	TV12.1	Language Assistance Plan
Drug-Free Workplace Act	DFWA1-2	Drug-free workplace policy lacking required elements
Section 5307 Program Requirements	5307:2-1	No MPO public participation plan that describes the minimum elements

Appendix A – Definitions of Terms

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

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

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

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

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

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

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

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

Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that: is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low income population.

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

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

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

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

Minority:

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

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

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

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

Native Hawaiian and Other Pacific Islander -- a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

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

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

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

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

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

Recipient: Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any

individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

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

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

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

Appendix B - Transfer of Property

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

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)*

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

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

Appendix C - Permits, Leases, and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

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

(Include in licenses, leases, permits, etc.)*

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

(Include in deeds)*

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

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

Appendix D - TITLE VI COMPLAINT FORM – Page 1

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

This form may be used to file a complaint with the City of Midland Dial-A-Ride based on violations of Title VI of the Civil Rights Act of 1964. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form for any reason, including language interpretation services please contact the Assistant Director of Public Services, by phone: (989) 837-6908, or by e-mail at jyuergen@midland-mi.org.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work) _____ (cell)

Email Address: _____

Do you or the individual you are filing this complaint require language assistance: _____ Yes _____ No

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

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work) _____ (cell)

Email Address: _____

Has the individual filing this complaint done so in the past? _____ Yes _____ No

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

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Street Address: _____

City: _____ State: _____ Zip: _____

Appendix D - TITLE VI COMPLAINT FORM – Page 2

Date(s) of alleged discrimination: Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

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

_____ **Race** _____ **Religion** _____ **Color** _____ **National Origin**

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

Witness Name: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: _____ (home) _____ (work) _____ (cell)

Witness Name: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone: _____ (home) _____ (work) _____ (cell)

Signature of Person Preparing Form: _____ **Date:** _____

Please return completed form to: Assistant Director of Public Services, 333 W. Ellsworth, Midland, Michigan 48640, phone: (989) 837- 6908, fax: (989) 835-5651, or via e-mail: jyuergen@midland-mi.org.

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

Appendix E - Employee Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of City of Midland Dial-A-Ride's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

Employee signature

Print name

Date

Appendix F - Employee Education Outline

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Driver Training Outline:

- Information on the City of Midland Dial-A-Ride Title VI Policy
- DVD Entitled: Title VI of the Civil Rights Act by SRBC Communications
- Description of language interpretation services available upon request to the public.
- How to handle a potential Title VI complaint.

Additional Call Center Staff Training Outline:

- How to classify LEP individuals as speaking English very well, well, not well and not at all. For documenting purposes, we will consider people that speak English less than 'very well' as Limited English Proficient persons.
- How to register LEP persons using Dial-A-Ride in the dispatch software to better capture usage of our system by LEP persons and to capture the different languages being used by passengers.

Appendix G– List of Transit-Related Title VI Investigations, Complaints and Lawsuits

	Date	Summary	Status	Actions Taken
Investigations		None		
1.				
2.				
Lawsuits		None		
1.				
2.				
Complaints		None		
1.				
2.				

Appendix H – Title VI Notice to the Public

The following posting appears on the City of Midland Dial-A-Ride website, transit office, reception area, break rooms and vehicles:

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

The City of Midland Dial-A-Ride is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

If you feel you are being denied participation in or being denied benefits of the transit services provided by The City of Midland Dial-A-Ride, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:

**City of Midland Dial-A-Ride
Title VI Coordinator
City of Midland
333 W. Ellsworth Street
Midland, MI 48640
989-837-6940**



Language interpretation services are available upon request. Contact the Dial-A-Ride office at 989-837-6940.

For more information, visit our website at www.midland-mi.org/DART.

Appendix I – Example Handout for Community Presentations



**AFTER HOURS
EMERGENCY HOTLINE
989-837-6999**

Passengers who have scheduled rides and are not picked up as expected may call the after hours hotline for bus service during the times listed below:

- **Monday—Friday**
6:30 am—8:00 am
5:00 pm – 10:30 pm
- **Saturday**
1:00 pm – 8:00 pm
- **Sunday**
8:00 am—2:30 pm

This number should only be used for missed rides during these hours and not for scheduling new rides.

**Questions or
Concerns**

Any questions or concerns regarding using Dial-A-Ride please contact:

**Amy Dooley
DART Supervisor
989- 837-6918**

**Janet Yuergens
DART Operations**

Language interpretation services are available upon request. Contact the DART office at 989-837-6940.

Quick Tips for Using Dial-A-Ride System

- **Rides are booked on a first-call, first-serve basis**
- **Book your rides well in advance.**
- ***If you wait to book your ride until the day before or the day of service there will be limited availability.***

BOOKING RIDES:

Passengers will need to provide the person booking their ride important details about the trip they are booking:

- What time they need to arrive for an appointment (not just the appointment time).
- What time they need to be at work. (not the work starting time).
- Passengers should update their phone number.

PASSENGERS WILL NEED TO WRITE DOWN THE PICKUP TIME WINDOW FOR EACH RIDE BOOKED!

- There will be a 20 minute pickup window scheduled for each ride scheduled.
- **BE READY! The driver will wait 2 minutes in the 20 minute window before continuing on to the next stop. Missed rides will be charged and the fare must be paid before service resumes.**

Dial-A-Ride will continue to accept same day ride reservations and standing order rides. Reservation times are booked on a first-call, first-served basis and certain times of the day do book up quickly. To increase chances of obtaining a ride at your preferred time, provide as much advance notice as possible.

- **Busiest ride times are 7:00 am – 9:00 am and 3:00 pm – 5:00 pm .**
- **Busiest phone service hours are 8:00 am—10:00 Monday –Friday. Expect longer wait periods to book a ride.**

CANCELING RIDES:

- Rides scheduled during phone service hours must be cancelled 60 minutes prior to the pickup time or the rider will be responsible for the fare. Call the DART office at 837-6940 to cancel a ride and press option 1:

Monday-Friday 8:00 am – 5:00 pm
Saturday 8:30 am – 1:00 pm

- Evening rides must be cancelled by 5:00 pm weekdays and 1:00 pm on Saturday or the rider is responsible for the fare.
- Any Sunday rides must be cancelled by 8:00 am or the rider is responsible for the fare.
- Morning rides scheduled for pickup **prior** to 8:30 am or any Sunday rides may call Dial-A-Ride at 989-837-6940 (choose option #1) to leave a voice message to cancel their morning or Sunday ride. **ONLY** Sunday rides and Monday– Friday rides scheduled prior to 8:30 am may be cancelled by leaving a voice message.