

The Saginaw Metropolitan Area Transportation Study



Title VI/Environmental Justice Non-Discrimination Plan

POLICY STATEMENT

The Saginaw Metropolitan Area Transportation Study is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any SMATS program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. SMATS assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

SMATS conducts its Title VI/Environmental Justice Program in a team approach involving all SMATS personnel. The Director of SMATS is responsible to ensure SMATS's compliance with the Title VI/EJ implementing regulations.

Inquiries concerning SMATS's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice may be directed to the Director, Saginaw Metropolitan Area Transportation Study, 111 S. Michigan Ave., Saginaw, Michigan 48602, telephone 989-797-6800.

This policy statement must be circulated throughout SMATS and be included by reference in all contracts, agreements, programs and services administered by SMATS.

_____, 2004

Jay Reithel, Director

SMATS TITLE VI ASSURANCE

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

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

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:
The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That 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 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; of (b) the period during which the Recipient retains ownership or possession of the property.
7. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

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 Federal Aid highway program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid highway program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated: _____

Saginaw Metropolitan Area Transportation
Study

(Recipient)

by: _____

Jay Reithel, Director

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AUTHORITIES

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

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

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

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

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

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

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

USDOT Order 1050.2: Standard Title VI Assurances

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

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

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

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

DEFINITIONS

Adverse Effects -- The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: (See Appendix B for additional discussion of “significant.”)

- bodily impairment, infirmity, illness or death
- air, noise, and water pollution and soil contamination
- destruction or disruption of man-made or natural resources
- destruction or diminution of aesthetic values
- destruction or disruption of community cohesion or a community's economic vitality
- destruction or disruption of the availability of public and private facilities and services
- adverse employment effects
- displacement of persons, businesses, farms, or nonprofit organizations
- increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- denial of, reduction in, or significant delay in the receipt of benefits of SMATS programs, policies, or activities

Significant Adverse Effects on Minority and Low-Income Populations -- An adverse effect that:

- a. is predominately borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population

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

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

Low-Income -- A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.
(<http://aspe.os.dhhs.gov/poverty/poverty.htm>)

Low-Income Population -- Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed Saginaw Metropolitan Area Transportation Study (SMATS) program, policy or activity.

Minority -- A person who is:

- a. Black -- a person having origins in any of the black racial groups of Africa;
- b. Hispanic -- a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American-- a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or
- d. American Indian and Alaskan Native -- a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population -- Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed SMATS program, policy or activity.

Noncompliance -- a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI/Environmental Justice and related statutes.

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

Program -- includes any multi-modal or bridge project including project planning, or any activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient -- any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency,

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

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

ADMINISTRATION – GENERAL

The SMATS Director shall have lead responsibility for coordinating the administration of the Title VI/Environmental Justice (Title VI/EJ) and related statutes program, plan, and assurances. Special emphasis program areas for SMATS are Planning Assistance, and Program Management. SMATS has developed a Public Involvement Process which will be used in conjunction with the Title VI/Environmental Justice program and is include by reference.

- 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), sex, age, or handicap, s/he may exercise their right to file a complaint with SMATS. Complaints may be filed with the SMATS Director. Every effort will be made to resolve complaints informally at the lowest level.

Complaints may also be filed directly with the Federal Highway Administration.
- Data Collection
Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of SMATS programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by the SMATS. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI/EJ program.
- SMATS Reviews
Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and problems. The reviews will be conducted by SMATS to assure effectiveness in their compliance of Title VI/EJ provisions. The SMATS Director will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.
- Title VI/EJ Reviews on Sub-recipients
Title VI/EJ compliance reviews will be conducted annually by the Director of SMATS. Priority for conducting reviews will be given to those recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI/EJ requirements. The status of each review will be reported in the annual update and report to the Michigan Department of Transportation (MDOT).

- Annual Reports
An annual report will be required by January 1st of each year. The Director of SMATS will be responsible for coordination and compilation of these reports and submitted to the Michigan Department of Transportation. These reports will review Title VI/EJ accomplishments achieved during the year and goals for the next year.
- Title VI/EJ Plan Updates
An annual update of the Title VI implementing plan will be submitted by October 1 to the Federal Highway Division Administrator for approval or disapproval.
- Public Dissemination
SMATS will disseminate Title VI/EJ Program information to SMATS employees and to the general public. Title VI/EJ Program information will be submitted to sub-recipients, contractors, and beneficiaries. Public dissemination will include inclusion of Title VI/EJ language in contracts, and publishing the Title VI/EJ Policy Statement on the SMATS internet website.
- Remedial Action
SMATS will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it (them) in writing to effect compliance may not to exceed 90 days from the date deficiencies are found.

SPECIAL EMPHASIS PROGRAM AREAS

Planning Assistance and Program Management

Develops the Metropolitan Planning Organization's (MPO) input into the State Transportation Improvement Program (STIP) and the 5-Year Plan. The MPO is also responsible for developing a 20-Year Plan, and the Transportation Improvement Program (TIP) to meet present and future needs for safe, adequate, and efficient transportation. Planning also encompasses clean air issues, safety, pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies and training and technical assistance for communities.

→ SMATS Director will:

- Ensure that all aspects of the planning process operation comply with Title VI/EJ.
- Serve as a resource person, helping to ensure participation of a cross section of people representative of the affected population, including various and diverse social, economic, and ethnic interest groups, are represented in the planning process.
- Provide the annual report on Title VI/EJ accomplishments for the previous year and goals for the next year.
- Ensure equal opportunity for participation on Advisory Committees.
- Ensure Title VI/EJ language is included, or incorporated by reference, in every sub-recipient contract.

LIMITED ENGLISH PROFICIENCY

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

It is essential that SMATS personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

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

Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient’s programs or activities and the variety of languages spoken in the recipient’s service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the recipient’s program on LEP individuals.
- The resources available to the recipient and whether the recipient has budgeted for provision of special language services.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

FILING A COMPLAINT

I. Introduction

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the SMATS's programs, activities and services as required by statute.

II. Purpose

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

III. Roles and Responsibilities

The Director of SMATS has overall responsibility for the discrimination complaint process and procedures. The Director may, at her/his discretion, assign a capable person within SMATS to investigate the complaint. However, in the case of a complaint against SMATS Personnel, a Michigan Department of Transportation (MDOT) Official shall investigate the complaint.

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

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.

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

IV. Filing Complaints

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

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

Time Limitation and Filing Options Title VI/EJ complaints of discrimination may be filed with:

- SMATS
- The Michigan Department of Transportation
- The Federal Highway Administration
- The U.S. Department of Transportation

In all situations, SMATS employees must contact the SMATS Director immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

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

Designated SMATS special emphasis area operating elements will require the sub-recipients they serve to forward to the Director any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors.

INTERNAL COMPLAINT PROCESSING

Initial contact Special emphasis program area representatives serve as SMATS's resources for members of the public who wish to file a discrimination complaint under Title VI/EJ and related statutes. As resources, they will provide complainants with

1. An explanation of their filing options.
2. The discrimination complaint process.
3. A Title VI/EJ and Related Statutes Discrimination Complaint Form.

The Complaint Review Process

1. The Director or her/his designee, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
2. The complaint shall be investigated, unless:
 - The complaint is withdrawn.
 - The complainant fails to provide required information.
 - The complaint is filed beyond the 180-day timeframe.
 - The complainant is not part of a protected group.
 - The complaint is determined to be more appropriately reviewed under a jurisdiction other than SMATS. If this is the case, the complainant will be directed to the appropriate agency.
3. Upon determination that the complaint warrants a SMATS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. The respondent – the person alleged to have committed the discrimination -- is notified by mail that s/he has been named in a complaint. The letter also includes the investigator's name and informs the respondent that s/he will be contacted for an interview.

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 the complaint;
- Issues, events or circumstances that caused the person to believe that s/he 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.

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Policy Committee Chairman or her/his designee, for review.
- The Director or designee reviews the file and investigative report. Subsequent to the review, the Director makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter.

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and the Director’s final decision letter is forwarded to the Federal Highway Administration Michigan Division Office within 60 days of the date the complaint was received.

Records

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

DISCRIMINATION COMPLAINT FORM

SAGINAW METROPOLITAN AREA TRANSPORTATION STUDY Title VI/Environmental Justice and Related Statutes

1. Name:
2. Address:
3. Telephone Number:
4. Name of person charged with discrimination (respondent):
5. Date of alleged discriminatory act:
6. Type of discrimination:

7. Please write a summary of the facts supporting your complaint (use additional pages as necessary):

8. Names of witnesses to the alleged discriminatory act:

9. What do you want as a remedy for the alleged discrimination?

Signed: _____

Date: _____

APPENDIX

APPENDICES TO STANDARD TITLE VI ASSURANCES – A

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

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter “DOT” Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitation for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the (Name of the appropriate administration) as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, SMATS shall impose such contract sanctions as it or the Michigan Department of Transportation may determine to be appropriate, including but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

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

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

ACCOMPLISHMENT REPORT/GOALS FOR ENSUING YEAR – APPENDIX B

Accomplishments 2004-2005:

Developed new Title VI/EJ Plan

Annual Work Plan FY 2005

Review contract language to insure inclusion of Title VI assurances in all SMATS contracts.

Work with local social services organizations to increase the knowledge base of the SMATS on the transportation issues and groups needing transportation in the MPO area as well as aid those groups in knowledge of what is available and how to secure assistance.

DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS – APPENDIX C

“*Significantly*” requires considerations of both context and intensity:

(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

Non-significant effect means no substantial change to an environmental component and thus no material bearing on the decision-making process.

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

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

Determinations of “significant” and “non-significant” effects will be made by the Director.