



The Metropolitan Planning Organization for the Greater Kalamazoo Area

5220 Lovers Lane, Suite 110
Portage, MI 49002
269-343-0766
info@KATSmpo.org

TO: Policy Committee Members
FROM: Steve Stepek, AICP, Executive Director
DATE: March 20, 2024
SUBJECT: POLICY COMMITTEE MEETING
WEDNESDAY, MARCH 27, 2024 - 9:00 A.M.
METRO
530 N. ROSE STREET, KALAMAZOO

The Kalamazoo Area Transportation Study Policy Committee will be meeting on Wednesday, March 27, 2024 at 9:00 a.m. at Metro. The following materials are included in the meeting packet:

1. Agenda for the Meeting
2. Informational Memorandum
3. Treasurer Report
4. Technical Committee Report
5. Southcentral Michigan Planning Council Report
6. Draft Minutes of the February 28, 2024 Meeting
7. Title VI Plan Document
8. Transportation Improvement Program Amendments
9. Memorandum of Understanding with Michigan Department of Transportation and Transit Operators

**KALAMAZOO AREA TRANSPORTATION STUDY
POLICY COMMITTEE MEETING**

March 27, 2024 at 9:00 a.m.

AGENDA

Public Comments are limited to four minutes in length.

1. CALL TO ORDER
2. INTRODUCTIONS
3. ROLL CALL
4. CHANGES OR ADDITIONS TO THE AGENDA
(Any item listed under the Consent Agenda may be moved to the Regular Agenda upon request of any member of the public, any Policy Committee Member, or any staff member).
5. APPROVAL OF THE AGENDA **(ACTION)**
6. PUBLIC COMMENTS
(Non-agenda items only. Comments on agenda items should be made during discussion of those items.)
7. CONSENT AGENDA **(ENCLOSURES) (ACTION)**
 - a. ACCEPTANCE OF THE TREASURER REPORT
 - b. ACCEPTANCE OF THE TECHNICAL COMMITTEE REPORT
 - c. ACCEPTANCE OF THE SOUTHCENTRAL MICHIGAN PLANNING COUNCIL REPORT
 - d. APPROVAL OF THE MINUTES FROM THE FEBRUARU 28, 2024 MEETING
8. TITLE VI PLAN DRAFT **(ENCLOSURE) (ACTION)**
9. FY 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENTS
(ENCLOSURE) (ACTION)
10. KATS CITIZENS' ADVISORY COMMITTEE MEMBER REAPPOINTMENT **(ACTION)**
11. MEMORANDUM OF UNDERSTANDING WITH MICHIGAN DEPARTMENT OF TRANSPORTATION AND TRANSIT OPERATORS **(ENCLOSURE) (ACTION)**
12. PUBLIC TRANSPORTATION UPDATES
13. EXECUTIVE DIRECTOR'S REPORT
14. NEW BUSINESS
15. PUBLIC COMMENTS
16. MEMBER COMMENTS
17. ADJOURNMENT

Next Meeting: Wednesday, April 17, 2024, 9:00 am

TO: Kalamazoo Area Transportation Study Policy Committee
FROM: Steve Stepek, AICP, Executive Director
DATE: March 20, 2024
SUBJECT: Information on the Policy Committee Agenda for the March 27, 2024 Meeting

Here is information on the Policy Committee agenda items.

8. Title VI Plan Draft

As previously discussed, KATS was informed of a process issue with our Title VI plan during our Certification Review. Since that time, MDOT has worked with FHWA & FTA to address the issue. The draft Title VI plan included in the packet includes the correct procedure. The changes now require any complaints made against KATS to be sent to MDOT for review. KATS is no longer able to investigate itself. This change impacts all local agencies that are subrecipients of federal funds. The Technical Committee and KATS staff recommend approval of the document.

9. FY 2023-2026 Transportation Improvement Program Amendments

Here are the highlights of the proposed TIP Amendments:

- There are several changes to transit related jobs, including a new project supporting Michivan for the Kalamazoo area in FY 2025.
- Job number 218043 was originally programmed as a construction phase. It has been changed to an early preliminary engineering (EPE) phase. With a change in the phase, it requires an abandonment of the construction phase with the addition of the EPE phase.

10. KATS Citizens' Advisory Committee member reappointment

Paul Sotherland and Kay Chase are up for reappointment to the KATS CAC. KATS Staff recommends their reappointment.

If you know of any citizens that might be interested in servicing on the Citizens' Advisory Committee, please contact KATS. We need a few new members.

11. Memorandum of Understanding with Michigan Department of Transportation and Transit Operators

The MOU outlines the federal planning responsibilities for transit operators, KATS, and MDOT for the KATS MPO area. It is periodically updated to include any new requirements. The only change in this iteration is located within Article 10, The Metropolitan Transportation Plan. The phrase "at time of adoption" was included in the following sentence to clarify the Metropolitan Transportation Plan's update schedule:

The AGENCY shall review and update the MTP at least every four or five years to confirm the plans validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year horizon, at time of adoption.

KATS staff recommends authorizing the KATS Policy Committee Chairperson and KATS Executive Director to sign the agreement.

13. Executive Directors Report

- The draft FY 2025 Work Program will be available on the KATS website by April 4th.
- Due to receiving additional Asset Management funding for our SMPC contract, we anticipate amending our FY 2024 Work Program at the April meeting.
- KATS continues to work on our Complete Streets Implementation Plan.
- The final Certification Review document is available on the KATS website. FHWA and FTA will give a presentation regarding the results at the May Policy Committee Meeting.
- **Please note that the April Policy Committee meeting will be held a week earlier than normal on April 17th due to the MTA conference the following week. The RCKC will be hosting the meeting at their new facility, located at 4400 South 26th Street.**

KALAMAZOO AREA TRANSPORTATION STUDY

Policy Committee Meeting March 27, 2024

TREASURER'S REPORT

Beginning Balance of Checking as of February 1, 2024	\$185,162.71
Receipts	-
Checks	-12,302.01
Payroll	-28,946.16
Ending Balance of Checking as of February 29, 2024	<u>\$143,914.54</u>

If there are any questions regarding this report, please do not hesitate to contact me.

Robert D. Britigan III, CPM®
 Treasurer, Kalamazoo Area Transportation Study
rbritigan@parchment.org
 269-217-0120

BUDGET COMPARISON - FYTD FEBRUARY 29, 2024 ACTUAL VERSUS BUDGET

	FY2024 UPWP	Actual FYTD 2/29/24 41.7%	Over(Under) Budget	YTD % of Budget
<u>PERSONNEL COST</u>				
Annual Salaries	395,858.33	127,154.87	(268,703.46)	32.12%
Total Fringe Expense	199,522.06	77,935.34	(121,586.72)	39.06%
<u>DIRECT COST</u>	152,313.35	18,326.67	(133,986.68)	12.03%
<u>INDIRECT COST</u>				
Services and Equipment	52,720.91	19,179.40	(33,541.51)	36.38%
Operating Costs	58,418.00	9,177.52	(49,240.48)	15.71%
Total Indirect Costs	111,138.91	28,356.92	(82,781.99)	25.51%

If there are any questions regarding this report, please contact me.

Elizabeth Rumick
 Office & Finance Manager, Kalamazoo Area Transportation Study
erumick@katsmpo.org
 269-343-0766 ext. 11

Cover Letter (S193)	
Check Date :	02/09/2024-1
Period Range :	01/24/2024 TO 02/06/2024
Week Number :	Week #6

Because of the large amounts of fraudulent ERC claims, the IRS will be doing an audit of all of these claims. So, the IRS has created a program for people that may have had questionable claims filed on their behalf. Please review the links below to see the details of the program.

<https://www.irs.gov/coronavirus/employee-retention-credit-voluntary-disclosure-program>

<https://www.irs.gov/newsroom/withdraw-an-employee-retention-credit-erc-claim>

Payroll Totals:

Checks

Total Regular Checks	0	0.00	
Total Direct Deposits	6	9105.67	
Total Manual Checks	0	0.00	
Total 3rd Party Checks	0	0.00	
Total Void Checks	0	0.00	
Total Net Payroll	0 Items		9105.67
Total Billing Impound		65.03	
Total Agency Checks	0	0.00	
Total Agency Checks DD	0	0.00	
Total Agency Checks Void	0	0.00	
Total Tax Deposit Checks	Tax deposit to be made by BASIC Payroll LLC		
Sum of Checks			9170.70
Total of Checks Printed	0 Items		
Total Tax Liability		3515.62	
Total Workers Comp Liability		0.00	
Total Payroll Liability			12686.32
Total Direct Deposits		9105.67	
Total Debited From Account			12686.32

NEXT PERIOD DATES

Check Date: 02/23/2024 Week 8
 Period Begin: 02/07/2024
 Period End: 02/20/2024
 Call In Date: 02/21/2024 Week 8

Payroll rep: Harmison Laura

Cover Letter (S193)	
Check Date :	02/23/2024-1
Period Range :	02/07/2024 TO 02/20/2024
Week Number :	Week #8

Because of the large amounts of fraudulent ERC claims, the IRS will be doing an audit of all of these claims. So, the IRS has created a program for people that may have had questionable claims filed on their behalf. Please review the links below to see the details of the program.

<https://www.irs.gov/coronavirus/employee-retention-credit-voluntary-disclosure-program>

<https://www.irs.gov/newsroom/withdraw-an-employee-retention-credit-erc-claim>

Payroll Totals:

Checks

Total Regular Checks	0	0.00
Total Direct Deposits	6	9158.07
Total Manual Checks	0	0.00
Total 3rd Party Checks	0	0.00
Total Void Checks	0	0.00
Total Net Payroll	0 Items	9158.07
Total Billing Impound		65.03
Total Agency Checks	0	0.00
Total Agency Checks DD	0	0.00
Total Agency Checks Void	0	0.00
Total Tax Deposit Checks	Tax deposit to be made by BASIC Payroll LLC	
Sum of Checks		9223.10
Total of Checks Printed	0 Items	
Total Tax Liability		3535.46
Total Workers Comp Liability		0.00
Total Payroll Liability		12758.56
Total Direct Deposits		9158.07
Total Debited From Account		12758.56

NEXT PERIOD DATES

Check Date: 03/08/2024 Week 10
 Period Begin: 02/21/2024
 Period End: 03/05/2024
 Call In Date: 03/06/2024 Week 10

Payroll rep: Harmison Laura

Technical Committee Report

TO: Kalamazoo Area Transportation Study Policy Committee

FROM: Steven Stepek, AICP, Executive Director

DATE: March 20, 2024

SUBJECT: Technical Committee Report

The Technical Committee met March 14, 2024 at 9:30 a.m.

STATUS REPORTS

TRANSIT and ROADS-

Transit. Metro's new microtransit service pilot program is scheduled to launch April 15, 2024. The name of the service will be Metro Link, and the per ride cost is going to be \$1.50. A map of the microtransit zones and how they intersect with fixed bus routes has been created. Media outreach will begin April 1, 2024. As the launch date gets closer, more detailed information will be released. Microtransit is as an extension of the fixed route, not an Uber. The service can take you from home to a fixed route or a destination within the zone. Direction on the app, downloading it, and using it will be communicated. Notifications of the program will be included in the Comstock Township, City of Portage, Oshtemo Township, and Kalamazoo Area Transportation Study newsletters.

ROADS-

Michigan Department of Transportation (MDOT). MDOT's US-131 project in Schoolcraft, the M-40 project in Lawton, and the US-131 KL Avenue project will all start on April 15, 2024.

Village of Augusta. The 2024 Washington Street bridge project will begin this season. Mill and fill will be done on M-96 this summer.

Road Commission of Kalamazoo County (RCKC). Federal aid tree projects on W Avenue and Squires Road are underway. The MN and Mercury project in Charleston Township will be in the April letting. The Douglas Avenue project will start in April. Schedules and bids are being worked on for the 9th Street and Stadium projects. Local and primary paving projects are posted on the KalamazooCountyRoads.com website. Public informational meetings for construction projects are ongoing through the end of April. See the website for more information. Projects are under design for next year. The new RCKC facility open house will be on March 21, 2024 from 4:00 p.m. to 7:00 p.m.

City of Portage. The Shaver Road project that started last year will be completed this year. It will include milling and resurfacing. The Portage Road project was awarded from the Michigan Department of Transportation. The scheduling plan and preconstruction meeting will be forthcoming. The project is tentatively scheduled to begin April 1, 2024. Project limits are Romence Road to Fairfield Road. The West Milham Avenue project planned for 2025 is in design. The city is looking for an Assistant City Engineer.

City of Kalamazoo. The Westnedge and Whites Road projects are underway and running smoothly. The Inkster Bridge project will begin March 18, 2024 with demolition of the bridge. Bronson Blvd will be closed. The Ransom Street project from Pitcher to Burdick is underway and will last a couple of months. The Riverview Drive from Gull Road to East Michigan Avenue sidewalk, curb, and gutter work will start April 1, 2024. Lane closures will be in place until resurfacing begins, at which point one half of the road will be closed at a time.

Oshtemo Township. The township is partnering with the Road Commission of Kalamazoo County to pave Second Street. This is a resident-initiated project. Oak trees will need to be removed for this project. The Kalamazoo Conservation District has reached out regarding Oak Wilt, a lethal disease of oak. The sewer expansion project is starting up on 7th Street. Lane Closures are anticipated in a month on M-43 between North 9th Street and North 7th Street.

LAND USE/PLANNING AND ZONING-

City of Parchment. The city is planning a preconstruction meeting for the former paper mill on the city's north side. The Commerce Lane/Railroad Trestle Restoration Project will offer kayak and canoe access to the river and wildlife viewing opportunities.

Michigan Department of Transportation (MDOT). The Statewide Transportation Planner and Southwest Region Transportation Planner positions have been filled. A jurisdictional transfer is being processed for the City of Kalamazoo where West Main Street and Douglas Avenue meet. MDOT is reapplying for a grant to fund the M-40 and I-94 Paw Paw interchange project. It is currently just outside the 5-year plan.

Village of Augusta. A comprehensive zoning review is underway.

City of Portage. There is a shift away from traditional subdivisions in their second and third phases. The city is experiencing a slight increase in demand for rental of detached family homes versus owned homes. Detached rental home builds are a mix of duplex, triplex, quads, or attached dwelling units.

Oshtemo Township. The township received three new site development submissions, including a condo development. The board passed the new Mixed-Use Ordinance.



TO: KATS Policy Committee
FROM: Steven Stepek, KATS Executive Director
DATE: March 18, 2024
SUBJECT: Southcentral Michigan Planning Council Report

During the month of February, 2024, KATS staff worked on the Michigan Department of Transportation (MDOT) Planning Activities for the Southcentral Michigan Planning Council (SMPC). Work was concentrated in the following activities:

- Completed work on 2023 Federal Aid Road Condition Reports for each county in Region 3 and posted copies to the SMPC website's Transportation page
- Continued to work with Rural Task Force and Small Urban eligible agencies to resolve programming issues and answer questions on procedures
- Continued work on assisting MDOT with updating of the Highway Performance Monitoring Systems (HPMS) data for the 2023 sample segments by collecting segment updates as submitted by local agencies and incorporating them into the master spreadsheet from MDOT. It is anticipated that the updated master spreadsheet will be submitted to MDOT in March
- Polled member agencies for a date to hold a public meeting of the Coldwater-Quincy Small Urban Task force to consider a request to change the location of the Coldwater's 2025 project. The meeting is scheduled for March 19, 10:00 a/m. at the Coldwater Municipal Building
- Generated meeting materials and posted notices for the March 19 Coldwater-Qincy Small Urban Task Force meeting
- Attended online PASER data collection classes
- Started preliminary planning for 2024 PASER data collection
- Started a comprehensive update to contact information for both Small Urban and Rural Task Force lists, including new and changed urban areas resulting from 2020 Census results

Anticipated future activities include:

- Continued updating and entering project data in JobNet for the 2023 - 2026 Transportation Improvement Programs as project data sheets are submitted or as otherwise needed
- Scheduling and facilitating public meetings for consideration and approval of Rural Task Force and Small Urban changes to the 2023 – 2026 Transportation Improvement Program as needed
- Scheduling and conducting PASER data collection for both federal aid and non-federal aid roads

KALAMAZOO AREA TRANSPORTATION STUDY POLICY COMMITTEE

DRAFT Minutes of the February 28, 2024 Meeting

CALL TO ORDER

The February 28, 2024 Policy Committee Meeting was called to order at 9:00 a.m. at Metro in Kalamazoo, by Chairperson Thompson.

INTRODUCTIONS

Introductions were made by all present.

ROLL CALL

Meeting attendance was recorded on the sign-in sheet.

MEMBERS PARTICIPATING

Curt Aardema	Central County Transportation Authority
Doug Burleson	Van Buren County Road Commission
John Gisler	Kalamazoo County
Todd Hackenberg	Village of Lawton
Robert Henderson	Van Buren Public Transit
Jeff Heppler	Village of Augusta
Carl Keller	Village of Vicksburg
Traci Locey	Brady Township
Pat McGinnis	City of Portage
Robin Madaras	City of Parchment
Sherine Miller	Kalamazoo Township
Pete Pfeiffer	Michigan Department of Transportation, TSC
Aditya Rama	Kalamazoo County Transportation Authority
Jeff Sorensen	Cooper Township
Paul Sotherland	KATS Citizens' Advisory Committee
Randy Thompson, Chair	Comstock Township

MEMBERS ABSENT

Heather Bowden	Michigan Department of Transportation, Planning
Marsha Drouin	Richland Township
Joanna Johnson	Road Commission of Kalamazoo County
Judy Lemon	City of Galesburg
Chris Praedel	City of Kalamazoo
Don Ulsh	Schoolcraft Township
Jerry VanderRoest	Charleston Township

OTHERS PARTICIPATING

Tom Hohm	Bike Friendly Kalamazoo
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Sean McBride
Megan Mickelson
Fred Nagler
Elizabeth Rumick
Paul Selden
Steve Stepek
Ali Townsend
Bret Witkowski

Central County Transportation Authority
Kalamazoo Area Transportation Study
Kalamazoo Area Transportation Study
Kalamazoo Area Transportation Study
Bike Friendly Kalamazoo
Kalamazoo Area Transportation Study
Kalamazoo Area Transportation Study
Van Buren County Road Commission

CHANGES OR ADDITIONS TO THE AGENDA

There were no changes or additions to the agenda.

APPROVAL OF THE AGENDA

Sorensen moved, and it was duly seconded by Locey, **“to approve the agenda of the February 28, 2024 Policy Committee Meeting.”** MOTION CARRIED.

PUBLIC COMMENTS

Paul Selden, Chair at Large, Bike Friendly Kalamazoo (BFK), introduced BFK’s new President, Tom Hohm. Hohm thanked attendees for years of advocating for biking and continuing efforts.

CONSENT AGENDA

- ACCEPTANCE OF THE TREASURER REPORT
- ACCEPTANCE OF THE TECHNICAL COMMITTEE REPORT
- ACCEPTANCE OF THE SOUTHCENTRAL MICHIGAN PLANNING COUNCIL REPORT
- APPROVAL OF THE MINUTES FROM THE JANUARY 31, 2024 MEETING

Heppler moved, and it was duly seconded by Aardema, **“to accept and approve the items on the Consent Agenda.”** MOTION CARRIED.

TITLE VI PLAN DRAFT DISCUSSION

Steppek reminded attendees that the Title VI plan updates were mentioned at prior meetings. As reported in the Kalamazoo Area Transportation Study (KATS) Certification Review, new Federal Highway Administration and Federal Transit Administration guidelines require all subrecipients of federal funds statewide to refer any Title VI complaints to agencies one level up as opposed to self-investigating them. Therefore, KATS complaints would be referred to the Michigan Department of Transportation. KATS Title VI plan included in the meeting packet has been updated to reflect this complaint process change. The plan is out for public comment with anticipated adoption at next month's meeting.

PUBLIC TRANSPORTATION UPDATES

Aardema reported earlier this week presentations were made to the Central County Transportation Authority (CCTA) / Kalamazoo County Transportation Authority (KCTA) board by River North Transit, part of Via Transportation, the vendor selected for the microtransit pilot program. River North has valuable experience with similar programs around the state. With their insight and guidance, boundaries, and sections for the microtransit program have been established. The three microtransit sections will be roughly aligned around the perimeter of the Metro fixed-route area on

the west side, south side, and east side. Vehicles would stay within their section boundaries, so they are ready to go on short notice. The program is designed for movement within each region as opposed to between regions. The vehicle could connect a rider to the fixed route bus line. The 18-month pilot program will start with seven vehicles. Three in the south region, and two in each the west, and east regions. The vehicles will be new or newer leased vehicles with some ADA access. The External Relations Committee selected Metro Link as the name for the new service. Details on branding, marketing, and fare structure are being planned. Rama added that as a demand service, Metro Link will be used by a customer base different from those that use the current prescheduled Metro Connect service. The impact of the proposed \$40 million public transportation cut in the state budget was discussed. McBride provided additional information on other municipalities using microtransit and how the service can more fully meet public transportation needs. Further discussion ensued.

EXECUTIVE DIRECTOR'S REPORT

As outlined in the memo in the meeting packet, Stepek pointed out that Kalamazoo Area Transportation Study (KATS) is participating with West Michigan Trails to update a regional recreational trails plan. To voice input on trail plans, you are invited to attend the meeting hosted by KATS at Metro on March 20, 2024 at 9:00 a.m. KATS finalized Certification Review Document was received yesterday, so it was too late to include in today's meeting. There were no findings, two commendations, and ten recommendations. KATS is already well on the way to covering all recommendations. Progress will be shared at next month's meeting. Representatives from the Federal Highway Administration and Federal Transit Administration will make a presentation on the review at a later date. Email Stepek if you are interested in taking the KATS 101 training course. The other commendation KATS received was on the work staff is doing on the Complete Streets Implementation Plan. Work has started on the Prioritization Subcommittee. Changes will be incorporated into the KATS prioritization process to prepare for the call for the Transportation Improvement Program (TIP) this fall.

NEW BUSINESS

No new business was brought forth.

PUBLIC COMMENTS

Selden, Chair at Large of Bike Friendly Kalamazoo (BFK), announced that BFK's new Director is Isaac Green who is also on the BFK board and is the Executive Director of Open Roads Bike Program. Selden provided a handout with more detailed information. This year's Kalamazoo Bike Week will be held May 11, 2024 through May 18, 2024. Upon request, Selden has lots of literature aimed at motorist and bicyclist safety available for agencies. Related signs are also available. If your agency would like to participate or be recognized at this years Bike Week, fill out and return the form to Selden. The Kalamazoo Bike Week Orientation and Planning Meeting will be held on Webex on March 26, 2024 from 4:00 p.m. to 5:30 p.m. Reach out to Selden if you have examples of business facades that could be used to expand the bike mural program. The Bike Boosters Mini Grant applications are due April 2, 2024. Many organizations have received the benefit of the grants in past years for such things as bike racks or bike lights. Hohm added there will be a bike show at Bronson Park on May 11, 2024.

MEMBER COMMENTS

Sotherland announced the March Kalamazoo Bike Club Cycling Shorts program will feature Pat McGinnis from the City of Portage speaking on 'Pedaling in Portage.' The free event, open to the public, will be held March 12, 2024 at 7:00 p.m. at the Oshtemo Township City Center.

Heppler reported plans are underway for the Village of Augusta 2024 Washington Street bridge project. M-96 improvements are being planned for this summer. The Parks Department has a Request for Proposal out for the design of the trail expansion from Galesburg to Ft. Custer.

Contact Gisler if you are interested in Avelo Airline \$25 dollar-off coupons for roundtrip flights from Kalamazoo to Orlando taken through the end of June 2024. Aardema, who also serves on the airport board, added Avelo increased service to Orlando from two days a week to three days a week.

Burleson reported the Van Buren County Road Commission has numerous projects out for bid. The five-year road plan annual update will be accepted at the next commissioner meeting.

Since a City of Kalamazoo representative was not present, Aardema mentioned the Central County Transportation Authority (CCTA) / Kalamazoo County Transportation Authority (KCTA) board was briefed on upcoming City of Kalamazoo projects. Impactful construction will be on Whites Road, northbound Westnedge Road, Howard, and the Inkster Bridge. Detours for Metro bus routes impacted by the projects are posted on their website.

ADJOURNMENT

There being no further business, Chairperson Thompson adjourned the meeting at 9:40 a.m.

The next meeting of the Kalamazoo Area Transportation Study Policy Committee will be held on Wednesday, March 27, 2024 at 9:00 a.m.

DRAFT DOCUMENT

TITLE VI: NON-DISCRIMINATION PLAN

Kalamazoo Area Transportation Study
5220 Lovers Lane, Suite 110
Portage, MI 49002
(269) 343-0766

Draft Document:
February 1, 2024



NON-DISCRIMINATION POLICY STATEMENT

The Kalamazoo Area Transportation Study (KATS) assures that no person shall, on the grounds of race, color, and national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259). Specifically, 42 USC 2000d states 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.”* KATS further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In addition to Title VI, there are other non-discrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability).

More specifically, the Kalamazoo Area Transportation Study assures that efforts will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Additionally, the Kalamazoo Area Transportation Study will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Disclaimer: “The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.”

Accommodations are available upon request to persons with disabilities who require alternately formatted materials to ensure effective communication and access to programs. For questions about accessibility or to request accommodations, please contact Steven Stepek, AICP at [269-343-0766](tel:269-343-0766) or info@katmspo.org.

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Introduction

What is an MPO?

A Metropolitan Planning Organization (MPO) is the policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census. MPOs are designated by agreement between the governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population) or in accordance with procedures established by applicable state or local law.

What is KATS?

The Kalamazoo Area Transportation Study (KATS) is the MPO for the Kalamazoo Urbanized Area. The Metropolitan Planning Area (MPA) for KATS is Kalamazoo County and a portion of Van Buren County including the townships of Almena, Antwerp, Paw Paw, and Waverly. KATS is a federally mandated policy body made up of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for regional transportation planning and programming for the planning area. Any highway, transit, local road, or non-motorized project or program to be constructed or conducted in the region receiving Federal funding, must have approval by KATS before any funds can be expended. In addition, any highway or transit project deemed to be regionally significant by KATS staff, must receive KATS approval to proceed.

Deleted map

Title VI Legislation

Title VI of the Civil Rights Act of 1964 is a landmark civil rights and labor law in the United States that outlaws discrimination based on race, color, religion, sex, or national origin. It prohibits unequal application of voter registration requirements, and racial segregation in schools, employment, and public accommodations. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activities receiving federal assistance.” Title VI has been by related statutes, regulations and executive orders. Section 324 of the Federal Aid Highway Act – this enabling legislation of the Federal Highway Administration (FHWA) – prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal Aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects within their

communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a **sub**recipient of Federal financial assistances, the KATS must provide access to individuals with limited ability to speak, write or understand the English language. The KATS must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration causing adverse impact due to their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin. Therefore, the primary goals of the KATS Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.
2. To ensure people affected by the KATS programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability.
3. To prevent discrimination in the KATS programs and activities, whether those programs are federally funded or not.
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and persons with disabilities.
5. To establish procedures to annually review the Title VI compliance.
6. To set forth procedures for filing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a KATS service, program, or activity.

Discrimination under Title VI

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

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

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

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

Kalamazoo Area Transportation Study Title VI Non-Discrimination Policy Statement

The KATS reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

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

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

The KATS will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program’s operation, procedures will be promptly implemented to resolve Title VI issues. Deleted wording

The KATS designates Steven Stepek, AICP, Executive Director of the Kalamazoo Area Transportation Study, as the Title VI Coordinator. The Executive Director will be responsible for ensuring that the KATS complies with the Title VI regulations, pursues prevention of Title VI deficiencies or violations, as well

as logging and sending complaints to MDOT's Statewide Title VI Coordinator. Inquiries concerning the KATS and Title VI may be directed to:

Steven Stepek, AICP
Director of the Kalamazoo Area Transportation Study
KATS
5220 Lovers Lane, Suite 110
Portage, MI 49002
269-343-0766
info@katsmpo.org

Kalamazoo Area Transportation Study Title VI Assurances

The KATS (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 and the Civil Rights Acts of 1964, 78 Stat. 252, 42 USC 200d-4 42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally – Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the U.S. 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 received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

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

1. That the Recipient agrees that each "program" and each "facility," as defined in subsections 21.3 (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 Aid Highway Programs and, in adapted from in all proposals for negotiated agreements:
 - a. "The (Recipient), in accordance with Title VI of the Civil Right Act of 1964, 78 Stat. 252, 42 U.S.C 2000d-4 and Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant submit bids in response to this invitation will not be discriminated against on the grounds of race, color, sex, 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 Regulations
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the U.S. effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired or improved under the Federal Aid Highway Program.

7. That this assurance obligates the Recipient for the period during with Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
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 it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
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 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, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Kalamazoo Area Transportation Study

X

Steven Stepek, AICP
Executive Director

Authorities of Title VI include:

- Civil Rights Restoration Act of 1987
- Federal Aid Highway Act of 1973, 23 USC 324
- Age Discrimination Act of 1975, 42 USC 6101
- Americans With Disabilities Act of 1990 PL 101-336
- Section 504 of the Rehabilitation Act of 1973
- USDOT Order 1050.2: Standard Title VI Assurances
- EO12250: Department of Justice Leadership and Coordination of Non-Discrimination Laws
- EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- 28 CFR 50.3: Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964
- EO13166: Improving Access to Services for Persons with Limited English Proficiency.

Authorities

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

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or 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 (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, 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 and 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).

USDOT Order 1050.2: Standard Title VI Assurances.

EO12250: Department of Justice Leadership and Coordination of Non-Discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

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

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

Related Authorities

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 subjects 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 his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, 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.

Regulatory Requirements

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

1. 23 CFR 200.9 (b)(2): Adequately staff the civil rights unit to effectively implement state civil rights requirements
2. 23 CFR 200.9 (b) (3): Develop procedures for prompt processing and disposition of title VI and Title VI complaints.
3. 23 CFR 200.9 (b)(4): Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of, state highway programs, i.e., relocates, impacted citizens and affected communities.
4. 23 CFR 200.9 (b) (5): Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning.
5. 23 CFR 200.9 (b) (6): Conduct Title VI reviews of special emphasis areas to determine the effectiveness.
6. 23 CFR 200.9 (b) (9): Conduct training programs on Title VI and related statutes.
7. 23 CFR 200.9 (b) (11): Submit updated Title VI implementing plan to MDOT.
8. 23 CFR 200.9 (b) (12): Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. 23 CFR 200.9 (b) (13): Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. 23 CFR 200.9 (b) (14): Establish procedures to identify and eliminate discrimination where found.
11. Executive Order 12898: Ensure that Environmental Justice principles are integrated into procedures and programs.
12. Executive Order 13166: Ensure that appropriate LEP processes and procedures are implemented.

Title VI recipients must comply with these regulatory requirements:

Related Laws and Statutes

- Civil Rights Restoration Act of 1987: Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
- Section 504 of the Rehabilitation Act of 1973: Prohibits discrimination on the basis of a disability.

- Americans With Disabilities Act of 1990: Prohibits discrimination on the basis of a disability.
- Section 324 of the Federal Aid Highway Act: Prohibits discrimination on the basis of sex.
- Uniform Relocation Assistance and Real Property Acquisition Act of 1970
- 42 USC 6101: Prohibits age discrimination in any program receiving Federal financial assistance.
- 49 CFR Part 21 and 23 CFR Part 200: Describes U.S. DOT and FHWA prohibitions against discrimination.

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 E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit 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 the KATS programs, policies or activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interest in property; the detail of federal personnel, federal property or 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.

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 KATS.

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

Low Income Population – Any readily identifiable group of low-income 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 KATS 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 people of the Far East, Southeast Asia, the Indian sub-continent, 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 KATS program, policy or activity.

Non-Compliance – A recipient, or subrecipient, that has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

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,” and “American Indian or Alaskan Native.” Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project, including planning or any activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation or other services, whether 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, position, 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 – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, and consultants that receive these funds are all considered sub-recipients.

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

- a. Is predominantly borne by a minority population and/or a low-income population, or
- b. Will be suffered by the minority population and/or a 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.

Structure for Organizational Oversight and Compliance

The Director of the Kalamazoo Area Transportation Study is the KATS Title VI Coordinator. The Director has appointed the Finance and Administrative Manager to oversee the coordination of the day-to-day administration of the Title VI Program and will report to the Director on all related matters.

Programmatic Roles and Responsibilities

KATS Title VI Coordinator





The KATS Title VI Coordinator is responsible for ensuring all internal program areas are in compliance

with Title VI and related statutes. It is the responsibility of the Title VI Coordinator to send Title VI complaints to MDOT’s Statewide Title VI Coordinator and maintain a log of all Title VI complaints. The KATS Title VI Coordinator, or his/her appointed staff, is responsible for overall management of the day-to-day administration of the Title VI Plan, including implementation and management of the Title VI program.

KATS Transportation Planning

The Kalamazoo Area Transportation Study conducts transportation planning for all of Kalamazoo County and four townships in Van Buren County, including Alma, Antwerp, Paw Paw, and Waverly. A comprehensive transportation planning process is used for incorporating input from the public into various Metropolitan Planning Organization (MPO) activities. The process further entails the monitoring and collection of varied data pertaining to transportation related issues. The KATS coordinates transportation planning on the Federal Aid Road Network utilizing input from the public. The KATS also provides technical support to jurisdictions and agencies when needed.

Title VI Responsibilities

Develop	Comply	Promote	Address
 <p>Assist the KATS Title VI Coordinator in the development of the Title VI Plan</p>	 <p>Ensure all aspects for the transportation planning process comply with Title VI and related statutes</p>	 <p>Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups throughout the public involvement process</p>	 <p>Ensure that all complaints are promptly addressed according to established KATS public participation plan</p>

Administration – General

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, or national origin (including Limited English Proficiency), he/she may exercise his/her right to file a complaint with the KATS. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

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

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

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact on those groups covered by the Act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to the relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The **KATS** Title VI Coordinator or designee will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit, via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Public Dissemination: The KATS will disseminate Title VI Program information to employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the KATS Title VI Plan within 90 days of approval on the main page of the website, at www.katsmpo.org.

Remedial Action: The KATS, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The corrective action(s) will be determined by the FHWA Headquarters Office of Civil Rights (HCR). **Deleted wording**

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 KATS programs, activities, and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the KATS 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 **the responsibility for assuring that the discrimination complaint process and procedures adhere to FHWA's guidance.**

Filing a Complaint

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

Applicability: The complaint procedures apply to the beneficiaries of KATS 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, denied benefits or services of any program or activity administered by KATS or its sub-recipients, consultants and contractors on the basis of race, color, or 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 KATS must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints. **Within ten (10) days KATS will acknowledge receipt of the complaint.**

Complaints must be filed within 180 days of the alleged discrimination. **Deleted wording**

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

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

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

Investigation

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

Timeframes for Investigations

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

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

FHWA Investigation Potential Outcomes

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

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

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of

Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.

- If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c).

All LOFs issued by FHWA are administratively final.

Retaliation:

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

Steve Stepek
Kalamazoo Area Transportation Study
5220 Lovers Lane, Suite 110
Portage, MI 49002
Phone: 269-343-0766
Email: info@katsmpo.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 MDOT, Civil Rights Program Unit within 60 days of the date the LOF was received.

Records

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

Appendix A – To be inserted in all Federal-Aid Contracts

The following shall be included as part of all KATS federally funded contracts to ensure that Title VI provisions and assurances are followed:

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

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

2. Nondiscrimination

- a. The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment

- a. In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of material for 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 ground of race, color, sex, or national origin.

4. Information and Reports

- a. The contractor shall provide all information and reports required by the Regulation or directives issue pursuant thereto, and shall permit access to books, records, accounts, other sources of information and its facilities as many be determined by the KATS, MDOT, or appropriate Federal Agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the MDOT or the appropriate Federal Agency as needed, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

- a. In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the KATS shall impose such contract sanctions as the MDOT may determine be appropriate, including, but not limited to:
 - i. Withholding of payments to the contractor under contract until the contractor complies and/or
 - ii. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporations of Provisions

- a. The contractor shall include the provisions of paragraphs one (1) through five (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by Regulations or directives issued pursuant thereto. The contractor shall take

such action with respect to any subcontractor or procurement as the KATS, MDOT or appropriate Federal Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

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 the 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 of 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 interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on over, or under such lands hereby conveyed, and* (2) that the Michigan 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 inscription.*

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

Appendix C: Permits, Leases and Licenses

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her personal representatives, successors in interest, and assigns, as 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 (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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.

[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 reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] has 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 reenter said land and facilities thereon, and the above described land and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and 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 Title VI of the Civil Rights Act of 1964.

Appendix D: Title VI Complaint Form

KALAMAZOO AREA TRANSPORTATION STUDY Title VI Complaint Form

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 KATS based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination.** Deleted wording

If you need assistance completing this form, please contact Steven Stepek by phone at 269-343-0766 or via email at info@katsmpo.org.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Individual(s) discriminated against, if different than above.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Please explain your relationship with the individual indicated above: _____

Name of agency and department or program that discriminated:

Street Address: _____

City: _____ State: _____ Zip: _____

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

Appendix E – Determine/Distinguish Significant or Non-Significant Effects

“Significant” requires considerations of both context and intensity:

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

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

Scientific, technical, institutional, the public’s value, and the local economic condition 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.

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

Appendix F – Program Compliance and Program Review Goals for Current Plan year

The KATS Title VI Plan will be communicated to each employee and all KATS employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.

The KATS Title VI Plan will be published on the main page of the KATS website www.katsmpo.org, within 90 days of approval.

Appendix A will be included in all KATS contracts as outlined in the Title VI Plan. The language in number 2 of the KATS' Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.

The procedure(s) for responding to individuals with Limited English Proficiency will be implemented. A review of KATS facilities will be conducted in reference to compliance with the American Disabilities Act.

The following data will be collected and reviewed by the **KATS** Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.

Boards: The number of vacancies; how vacancies are advertised and filled; the number of applications; the representation of minorities will be evaluated.

Public Meetings: The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.

Construction Projects: The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.

LEP Needs: The number of requests for language assistance that were requested or required; the outcome of those requests.

Complaints: The number of Title VI complaints received; nature of the complaints; resolution of the complaints.

Timeliness of Services: The number of requests for services; amount of time from request to when service was delivered; number of requests denied.

Right of Way/Eminent Domain: The number of such actions and diversity of individual(s) affected.

Program Participants: Racial data of program participants where possible.

Appendix G – Additional Resources

Title VI information can be found at:

<https://www.justice.gov/crt/fcs/TitleVI>

LEP guidance through the DOJ can be found online at:

<https://www.lep.gov/>

The DOT has also posted LEP guidance on their website at:

<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

Appendix H – Public Comment

Title VI Certification Review Comments

- Separate fillable PDF for complaint form
- MDOT should be contact agency

**KALAMAZOO AREA TRANSPORTATION STUDY
FY 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM MARCH 2024 AMENDMENTS**

What is the TIP?

The Transportation Improvement Program (TIP) is an outline of transportation projects programmed in the Kalamazoo Area Transportation Study (KATS) Planning Area for Fiscal Year (FY) 2023-26. This area includes all of Kalamazoo County and Almena Township, Antwerp Township, Paw Paw Township, Waverly Township, and the Villages of Paw Paw, Lawton, and Mattawan in Van Buren County.

The Metropolitan Planning Area

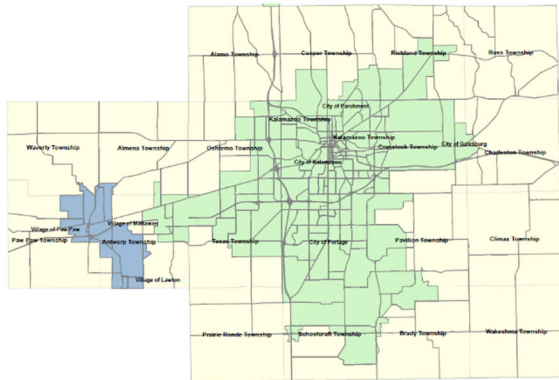


Figure 1: Map of KATS MPO and Urbanized Area

The TIP, as required by federal regulations, addresses all projects proposed to use federal transportation funding within the KATS area. Everyone who lives, works, attends school, visits, or travels through our region is affected by these projects. The TIP responds to the everchanging needs of all users and includes maintenance, public transit, bikeway, sidewalk, bridge, traffic signal, and other projects.

Development of the TIP

The TIP covers a four-year period but is updated every three years to ensure an efficient transition between programs. The program is developed using the continuing, cooperative, and comprehensive planning process with state and

federal transportation agencies, public transit agencies, local governments, and residents. To be included in the TIP, projects must have committed funding and provide project details.

Amending the TIP

KATS regularly amends the TIP to reflect new and changing projects. The KATS staff may approve minor changes, but certain modifications are more significant and require KATS to approve a formal amendment to the TIP. These modifications include:

- Cost changes that exceed percentage thresholds
- Major changes that affect project scope
- Additions and Deletions

The TIP Process

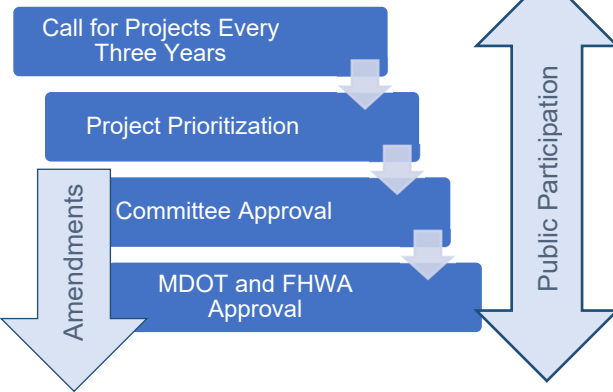
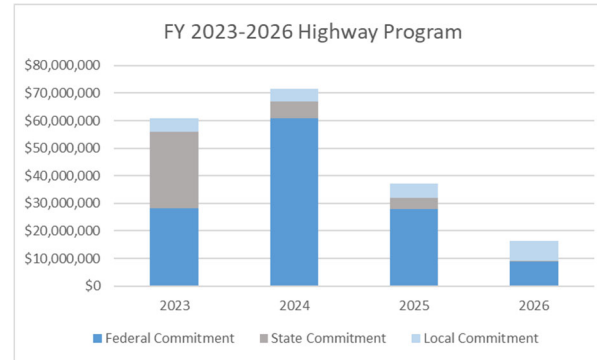
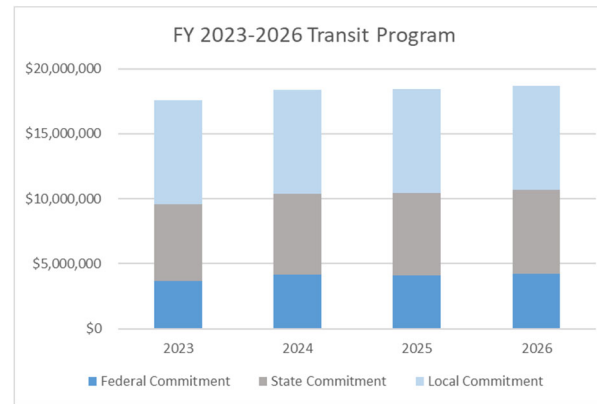


Figure 2: KATS Transportation Improvement Process

The Metropolitan Transportation Plan

The Kalamazoo Area Transportation Study also develops the region's long-term Metropolitan Transportation Plan (MTP). The MTP covers more than 20 years of planning efforts and must be updated every four years. The short-range projects included in the TIP must be consistent with the long-range planning efforts included in the MTP.

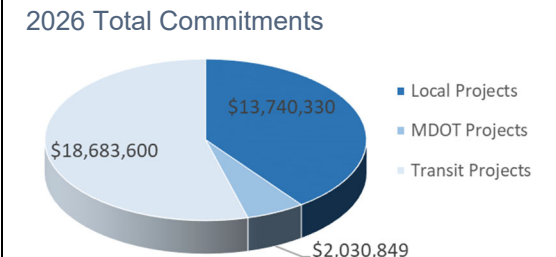


Charts above represent funding at TIP adoption.

For more information visit www.KATSmpo.org

Public notice of public involvement activities and time established for public review and comments on the Transportation Improvement Program (TIP) will satisfy the Program of Projects (POP) requirements for the following grantees: The Kalamazoo County Transportation Authority, the Central County Transportation Authority and Van Buren Public Transit.

FY 2023-2026 TIP Fiscal Constraint



Kalamazoo Area Transportation Study
 FY 2023-2026 Transportation Improvement Program
March 2024 Amendments (3/27/24)

Fiscal Year	Job Number	Phase	Responsible Agency	Project Name	Limits	Primary Work Type	Project Description	Federal Cost	State Cost	Local Cost	Total Phase Cost	Amendment Type	Comments	Total Project Cost
2025	210812	FHWA	MDOT	I-94 W/ US-131 N Ramp	I-94 Westbound ramp to US-131 Northbound	Minor Widening	Widening for additional ramp lane	\$11,704,550	\$2,595,450	\$0	\$14,300,000	Budget over 24%		\$15,277,000
2026	216415	FHWA, FTA	Central County Transportation Authority	Transit Capital	Areawide	SP1105-van replacement, any size with or without lift	FY26 Section 5310 Van Purchase	\$134,500	\$33,625	\$0	\$168,125	Abandoned		\$0
2026	219298	FHWA	Kalamazoo	S Mills St	Mills Street	Road Rehabilitation	Milling and resurfacing	\$121,166	\$0	\$78,834	\$200,000	Abandoned		\$0
2026	220628	FHWA	Kalamazoo	E Alcott St/E Alcott St/Portage St	Alcott St Str #4668, EVine St Str #4671, Portage St Str #4679 over Portage Cr	Bridge CPM	Bridge Capital Preventative Maintenance	\$186,400	\$34,950	\$11,650	\$233,000	Addition		\$252,500
2024	220832	FHWA	MDOT	E Kilgore Rd	Coldwater Maintenance Facility	Planning, Research & Design	Non-trunkline guardrail installation for training	\$163,700	\$36,300	\$0	\$200,000	Addition		\$200,000
2026	220627	FHWA	Kalamazoo	Dutton St	Dutton Street Str #4686 over Portage Creek City of Kalamazoo, Kalamazoo Co.	Bridge CPM	Bridge Capital Preventative Maintenance	\$69,600	\$13,050	\$4,350	\$87,000	Addition		\$108,750
2024	218043	FHWA	Kalamazoo	Citywide	Multiple Routes, Various Locations, City of Kalamazoo	Traffic Safety	Signal Optimization	\$164,000	\$0	\$41,000	\$205,000	Abandoned		\$205,000
2024	215434	FTA	Central County Transportation Authority	Transit Operating	Areawide	6000-Oth Prog Costs	FY 24 5311	\$26,634	\$26,634	\$0	\$53,268	Budget over 24%		\$53,268
2024	216405	FHWA, FTA	Central County Transportation Authority	Transit Capital	Areawide	SP1105-van replacement, any size with or without lift	FY24 RTF - Van Purchase	\$469,684	\$117,421	\$0	\$587,105	Budget over 24%		\$587,105
2025	216408	FHWA, FTA	Central County Transportation Authority	Transit Capital	Areawide	SP1105-van replacement, any size with or without lift	FY25 Section 5310 Van Purchase	\$131,500	\$32,875	\$0	\$164,375	Abandoned		\$0
2024	218043	FHWA	Kalamazoo	Citywide	Multiple Routes, Various Locations, City of Kalamazoo	Traffic Safety	Signal Optimization	\$164,000	\$0	\$41,000	\$205,000	Addition		\$205,000
2024	220718	FHWA	Kalamazoo Area Transportation Study	Countywide	Kalamazoo County	Operation Improvements	FY2025 Michivan - Kalamazoo County	\$646,032	\$0	\$0	\$646,032	Addition		\$646,032
2024	211815	FHWA	MDOT	M-51	M-43, M-51	Traffic Safety	Pavement markings with centerline and shoulder corrugations	\$143,442	\$15,938	\$0	\$578,000	Scope Construction Length Change		\$583,000

MEMORANDUM OF UNDERSTANDING

METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE KALAMAZOO AREA TRANSPORTATION STUDY

This Memorandum of Understanding (MOU) is made and entered into by and between the Michigan Department of Transportation (MDOT); the Kalamazoo Area Transportation Study hereafter referred to as the AGENCY; and the Central County Transportation Authority and Van Buren Public Transit hereafter referred to as the TRANSIT OPERATOR.

Recitals:

Joint responsibilities must be met for establishing and maintaining a cooperative, comprehensive and continuing metropolitan transportation planning and programming process as required by the United States Department of Transportation (USDOT) in regulations at 23 CFR 450 Subpart A –Transportation Planning and Programming Definitions and 23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming; and

The regulations at 23 CFR 450.314 Metropolitan Planning Agreements require MDOT, the AGENCY and TRANSIT OPERATOR(S) to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning and programming process. The responsibilities shall be clearly identified in written agreements among the Metropolitan Planning Organization (MPO) the State and the public transportation operator(s) serving the Metropolitan Planning Area (MPA). The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and the metropolitan Transportation Improvement Program (TIP) and the development of the annual listing of obligated projects; and

The regulations at 23 CFR 450.104 define public transportation operator to mean the public entity which participates in the continuing, cooperative comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 409 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under Title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus or intercity bus transportation or intercity passenger rail transportation provided by Amtrak; and

Upon its award, this MOU will supersede Contract 2018-0533 between the parties; and

Nothing in this MOU shall limit the legal authorities of the parties.

MDOT, the AGENCY and the TRANSIT OPERATOR(S) recognize and agree that they will conduct a cooperative, comprehensive performance-based multi-modal and continuing transportation planning and programming process for the Kalamazoo Area Transportation Study area and that their mutual responsibilities for carrying out this process are described in the following articles:

Article 1
Scope of the Metropolitan Planning Process

The AGENCY, MDOT and the TRANSIT OPERATOR will conduct a performance-based metropolitan transportation planning process that is continuous, cooperative and comprehensive, as required under 23 CFR Part 450, and provide for the consideration of projects, strategies and services that will address the current planning factors as specified in 23 CFR 450.306: Scope of the Metropolitan Transportation Planning Process. The metropolitan transportation planning process will provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and the general purpose described in 49 U.S.C. 5301 (c).

Article 2
MPO Organization Structure and Planning Boundaries

The AGENCY will be designated the MPO for the Kalamazoo Area Transportation Study area by the Governor of Michigan. The AGENCY'S membership includes local elected officials, MDOT representatives and officials of agencies that administer or operate major modes of systems of transportation.

The AGENCY will have bylaws that establish its membership, officers, voting procedures, public participation and procedures for amendments and administrative modifications.

The AGENCY will establish transportation policy, oversee the planning process for the metropolitan area, provide a forum for cooperative decision making and ensure that there is technical support from transportation providers to oversee the technical aspects of the transportation planning process.

The AGENCY will establish a Technical Committee to advise and assist in all aspects of the metropolitan transportation planning process.

The AGENCY will take action to approve the metropolitan planning area (MPA) boundary that encompasses the existing urbanized area plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan plan. The MPA was determined by agreement with the AGENCY and the Governor.

After each Census, the AGENCY will review this planning boundary with MDOT and the TRANSIT OPERATOR to determine if it meets the minimum statutory requirements for new and updated urbanized areas, and will adjust the boundary as necessary.

Article 3 Unified Planning Work Program

The AGENCY, MDOT and the TRANSIT OPERATOR in cooperation with the local jurisdictions shall prepare the Unified Planning Work Program (UPWP) as required under 23 CFR 450.308: Unified Planning Work Program. The UPWP shall document the metropolitan transportation planning activities anticipated during the upcoming year. The UPWP shall identify the cost and the proposed funding for accomplishing the documented work activities. The AGENCY will approve the UPWP and submit it to MDOT for its review and formal submittal to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for approval and funding.

Article 4 Participation Plan

The AGENCY will adopt and use a Participation Plan to provide citizens, affected public agencies and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process and to review and comment at key decision points as specified in 23 CFR 450.316 (a): Interested Parties, Participation and Consultation. The plan will be developed in consultation with interested parties and will describe the procedures, strategies and desired outcomes of the plan. The plan will provide timely notice, reasonable access to information including but not limited to a reasonable opportunity to comment on the proposed Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) and amendments to the MTP and TIP.

Article 5 Consultation

The AGENCY will develop a documented consultation process for developing the MTP and TIP as specified in 23 CFR 450.316 (b-e), and 23 CFR 450.324 (h) (1-2), specifically in connection with the MTP and 23 CFR 450.324 (g) (10), related to environmental mitigation. The documented consultation process will outline the roles, responsibilities, and key decision points for consulting with other governments, agencies and officials responsible for other planning activities in the MPA.

Article 6 Transportation Planning Studies and Project Development

The AGENCY, MDOT or the TRANSIT OPERATOR may undertake a multimodal, systems level corridor or sub-area planning study as part of the metropolitan transportation planning process. The development of these studies will involve consultation with, or joint efforts among,

the AGENCY, MDOT and the TRANSIT OPERATOR. The results or decision of these planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) as specified in 23 CFR450.318 Transportation Planning Studies and Project Development.

Article 7

Congestion Management Process for Transportation Management Areas

(Only for SEMCOG, Ann Arbor, Lansing, Grand Rapids, Kalamazoo, and Flint TMAs)

The AGENCY, in cooperation with MDOT, the TRANSIT OPERATOR and local officials will develop congestion management objectives and performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of goods and people. The transportation planning process will develop and maintain an ongoing congestion management process for monitoring, operating and maintaining the regional transportation system required by 23 CFR 450.322: Congestion Management Process in Transportation Management Areas.

Article 8

Air Quality Transportation Planning

Air Quality Transportation Planning applies to MPOs in areas classified as nonattainment, maintenance, or areas required to do conformity by the U.S. Environmental Protection Agency. The AGENCY and MDOT'S air quality transportation planning activities are described in the 2016 Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs, and Projects to State Implementation Plans (here after called the Conformity State Implementation Plan (SIP). The Conformity SIP lists, members, roles, responsibilities, rules, and dispute resolution process for the Michigan Transportation Conformity Interagency Workgroup (MITC-IAWG) assigned to ensure conformity occurs. The Agency, if in an area required to do conformity, agrees to adhere to the most current Conformity SIP until such time as the conformity SIP is updated. Additional activities for air quality transportation planning can be included in the AGENCY'S Unified Planning Work Program (UPWP).

Article 9

Travel Demand Forecasting Model

OPTION 1

MDOT will maintain and operate the area's travel demand forecasting model used in the development of MTP, TIP, air quality conformity analysis, project identification and prioritization, and various planning studies. (An existing, but separate, Memorandum of Understanding between MDOT and AGENCY regarding travel demand forecasting shall govern that activity.)

OPTION 2 (Only for SEMCOG, Ann Arbor, Lansing, Grand Rapids, Kalamazoo, and Flint TMAs)

The AGENCY will maintain and operate the area's travel demand forecasting model used in the development of MTP, TIP, air quality conformity analysis, project identification and

prioritization, and various studies. (An existing, but separate, Memorandum of Understanding between MDOT and AGENCY regarding travel demand forecasting shall govern that activity.)

Article 10

The Metropolitan Transportation Plan

The AGENCY will develop the Metropolitan Transportation Plan (MTP) with assistance and guidance from MDOT to ensure the plan content meets all requirements specified in 23 CFR 450.324: Development and Content of the Metropolitan Plan. The AGENCY, MDOT and TRANSIT OPERATOR will jointly conduct financial analyses and planning to determine the availability of revenue to demonstrate fiscal constraint of the MTP. MDOT will take the lead in providing estimates of available Federal and State funds that can be used in developing the MTP. The AGENCY will provide estimates of local revenues. The AGENCY will adopt and maintain the MTP. The AGENCY will submit the MTP to MDOT and the Federal Highway Administration and Federal Transit Administration for informational purposes. The AGENCY shall review and update the MTP at least every four or five years to confirm the plans validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year horizon, at time of adoption. *(Please Note: This is four years for Agencies that are included as part of a transportation national ambient air quality standard (NAAQS) nonattainment or maintenance area).* When the MTP is amended or updated the AGENCY, MDOT and the TRANSIT OPERATOR will cooperatively develop, share, review and adopt estimates of revenues and cost required for demonstrating financial constraint for the transportation plan as specified in 23 CFR 450.324(f) (11).

Article 11

Transportation Improvement Program

The AGENCY will cooperatively develop a Transportation Improvement Program (TIP) that is consistent with the AGENCY'S MTP and will be financially constrained. The AGENCY, MDOT and the TRANSIT OPERATOR will ensure that the Transportation Improvement Program development process and Transportation Improvement Program (TIP) content meet all requirements as specified in

23 CFR 450.326: Development and Content of the Transportation Improvement Program. The TIP will contain all Title 23 and Title 49 federally funded state trunkline and local projects and all regionally significant state and local projects, regardless of funding source. When developing, updating and amending the TIP, the AGENCY, MDOT and the TRANSIT OPERATOR will cooperatively develop, share, review and adopt estimates of revenues and cost required for the financial plan that demonstrates fiscal constraint for the TIP as specified in 23 CFR 450.326 (j) & (k). The TIP will list all projects in sufficient detail in accordance with regulations and reflect public involvement and criteria used to prioritize projects. The AGENCY will approve the TIP and submit it to MDOT for its approval and inclusion in the State Transportation Improvement Program (STIP). The AGENCY'S TIP will be incorporated by reference in the STIP and formally submitted to the FHWA and FTA. TIP amendments and modifications will follow procedures for TIP modifications as adopted by the AGENCY and as specified in 23CFR 450.328. The AGENCY and MDOT will jointly manage the TIP including project tracking and monitoring of obligation authority.

Article 12
Annual Listing of Projects with Federal Funding Obligations

Each year within 90 days after the close of the federal fiscal year the AGENCY, MDOT and TRANSIT OPERATOR will cooperatively develop a listing of projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in 23CFR 450.334 Annual Listing of Obligated Projects. This report will be made available to the public on the AGENCY web site.

Article 13
Performance-Based Transportation Planning & Programming

The MPO will establish performance targets that address the performance measures or standards established in 23 CFR Part 490, 23 CFR Part 450, and 49 CFR Part 625, and 49 CFR Part 673. The AGENCY, MDOT, and the TRANSIT OPERATOR will coordinate in the establishment of state, AGENCY, and TRANSIT OPERATOR performance targets. Coordination efforts will include, but are not limited to, sharing available data related to the federally-required performance measures (subject to each agencies data sharing policies and procedures), discussing target setting methodology, establishing performance targets, and reporting on performance targets and progress in attaining targets. The AGENCY will plan and program projects that contribute to the achievement of state, AGENCY, and TRANSIT OPERATOR targets as appropriate. The AGENCY will develop a Congestion Mitigation and Air Quality Performance Plan if required by 23 U.S.C. 149 (1).

The following exhibits are attached to this MOU:

Exhibit A Metropolitan Planning Area Boundary Map

Exhibit B List of members of the AGENCY

This MOU is approved by the respective parties hereto as the date shown. This MOU will take effect upon award (the date of the final signature); it will remain in effect unless it is modified or terminated on the mutual agreement of the parties.

ATTEST:

Director
Bureau of Transportation Planning

Date _____

AGENCY Chair

Date _____

AGENCY Director

Date _____

TRANSIT OPERATOR Administrators

Date _____

Date _____

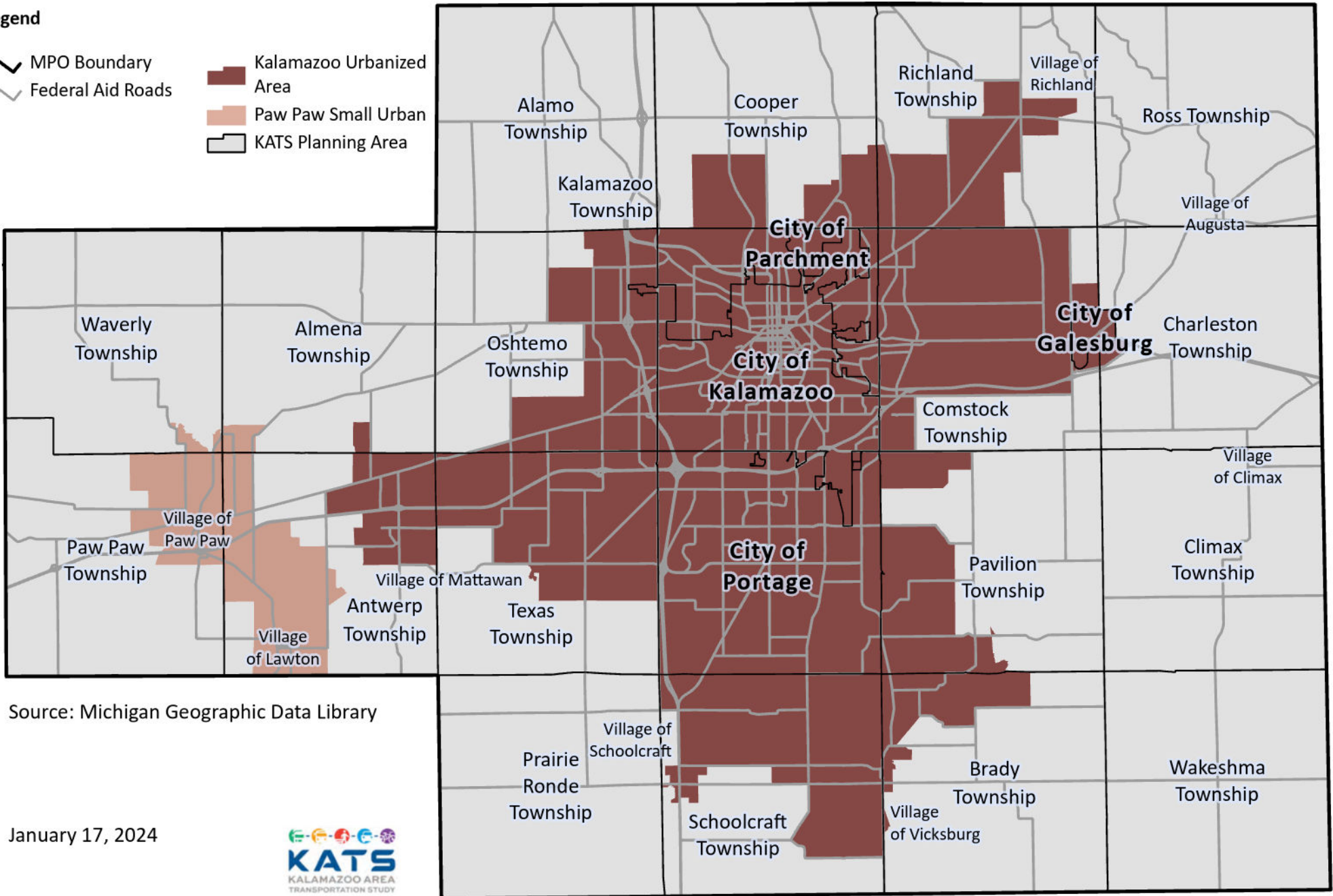


Exhibit A: Metropolitan Planning Area Boundary Map



Legend

- MPO Boundary
- Federal Aid Roads
- Kalamazoo Urbanized Area
- Paw Paw Small Urban
- KATS Planning Area



Source: Michigan Geographic Data Library

January 17, 2024



APPENDIX 6: POLICY COMMITTEE MEMBERSHIP

*(As of December, 2023)***Policy Committee Chairperson**

Randy L. Thompson, Comstock Township

Policy Committee Vice-chairperson

Curtis Aardema, Central County Transportation Authority

Policy Committee Treasurer

Robert Britigan, City of Parchment

Cheri Bell	Oshtemo Township
Jeff Breneman	Western Michigan University
James Cummings	Village of Climax
Marsha Drouin	Richland Township
Jason Gatlin	Wakeshma Township
John Gisler	Kalamazoo County
David Greve	Village of Richland
Keith Gunnett	Village of Schoolcraft
Robert Henderson	Van Buren Public Transit
Jeff Heppler	Village of Augusta
Christina Hutchings	Ross Township
Lisa Imus	Village of Lawton
Joanna Johnson	Road Commission of Kalamazoo County
William Joseph	Village of Paw Paw
Greg Kinney	Van Buren County Road Commission
Nick Loeks	Texas Township
Don Mayle	Michigan Department of Transportation
Terri McLean	Village of Mattawan
Pat McGinnis	City of Portage
Sherine Miller	Kalamazoo Township
Tim Frisbie	Village of Vicksburg
Pete Pfeiffer	Michigan Department of Transportation Kalamazoo TSC
Chris Praedel	City of Kalamazoo
Aditya Rama	Kalamazoo County Transportation Authority
Joshua Raney	City of Galesburg
Daniel Ruzick	Antwerp Township
Randy Smith	Brady Township
Jeff Sorensen	Cooper Township
Paul Sotherland	KATS Citizen Advisory Committee
Jon Speeter	Pavilion Township
Donald Stull	Paw Paw Township
Michael Tomlinson	Prairie Ronde Township
Don Ulsh	Schoolcraft Township
Jerry VanderRoest	Charleston Township
William Van Tassel	Almena Township

APPENDIX 7: TECHNICAL COMMITTEE MEMBERSHIP
(As of December, 2023)

Technical Committee Chairperson

Jodi Stefforia Comstock Township

Technical Committee Vice-chairperson

Anna Horner Oshtemo Township

Christina Anderson	City of Kalamazoo Planning
Tom Anthony	Village of Mattawan
Barry Anttila	Van Buren County Road Commission
Muhammad Arif	City of Portage Engineering
Heather Bowden	Michigan Department of Transportation, Statewide Planning
Jeff Breneman	Western Michigan University
Kerry DenBraber	Michigan Department of Transportation, TSC
Eric Feldt	City of Portage
Ryan Gladding	MDOT, Statewide Urban Travel Analysis
Josh Grab	MDOT, Southwest Region
Rachael Grover	Kalamazoo County Planning
Kendra Gwin	City of Portage Engineering
Todd Hackenberg	Village of Lawton
Tracy Hall	Village of Paw Paw
Robert Henderson	Van Buren Public Transit
Jeff Heppler	Village of Augusta
Sarah Joshi	Central County Transportation Authority
Linda Kerr	Texas Township
Anthony Ladd	City of Kalamazoo Engineering
Iris Lubbert	Oshtemo Township
Cheri Lutz	Village of Schoolcraft
Jim Mallery	Village of Vicksburg
Sherine Miller	Kalamazoo Township
Ryan Minkus	Road Commission of Kalamazoo County
Dennis Randolph	City of Kalamazoo Engineering
Joshua Raney	City of Galesburg
Paul Sotherland	KATS Citizens Advisory Committee
Nancy Stoddard	City of Parchment
Jenny Staroska	Federal Highway Administration
Greg Vlietstra	Kalamazoo County Transportation Authority
George Waring	City of Kalamazoo Engineering
Susan Weber	Federal Transit Administration
Mark Worden	Road Commission of Kalamazoo County

APPENDIX 8: STAFF MEMBERS

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