



**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: February 21, 2024  
SUBJECT: POLICY COMMITTEE MEETING  
WEDNESDAY, FEBRUARY 28, 2024 - 9:00 A.M.  
METRO  
530 N. ROSE STREET, KALAMAZOO

The Kalamazoo Area Transportation Study Policy Committee will be meeting on Wednesday, February 28, 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 January 31, 2024 Meeting
7. Title VI Plan Document

**KALAMAZOO AREA TRANSPORTATION STUDY  
POLICY COMMITTEE MEETING**

February 28, 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 JANUARY 31, 2024 MEETING
8. TITLE VI PLAN DRAFT DISCUSSION **(ENCLOSURE)**
9. PUBLIC TRANSPORTATION UPDATES
10. EXECUTIVE DIRECTOR'S REPORT
11. NEW BUSINESS
12. PUBLIC COMMENTS
13. MEMBER COMMENTS
14. ADJOURNMENT

**Next Meeting: Wednesday, March 27, 2024, 9:00 am**

**TO:** Kalamazoo Area Transportation Study Policy Committee  
**FROM:** Steve Stepek, AICP, Executive Director  
**DATE:** February 21, 2024  
**SUBJECT:** Information on the Policy Committee Agenda for the February 28, 2024 Meeting

Here is information on the Policy Committee agenda items.

#### **8. Title VI Plan Draft Discussion**

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.

#### **10. Executive Directors Report**

- KATS is participating with West Michigan Trails to update a regional recreational trails plan. That meeting will be held at Metro Transit on March 20<sup>th</sup>, 9:00am.
- KATS submitted the request to use in-kind services to MDOT for the FY 2025 Work Program.
- We anticipate amending our FY 2024 Work Program at the March meeting.
- KATS continues to work on our Complete Streets Implementation Plan.
- The Fiscal Year 2023 System Performance Report, Obligated Projects Report, and TIP Modification Summary are available on the KATS website.

**KALAMAZOO AREA TRANSPORTATION STUDY**  
Policy Committee Meeting February 28, 2024

**TREASURER'S REPORT**

Beginning Balance of Checking as of January 1, 2024	\$205,712.81
Receipts	17,323.98
Checks	-8,927.92
Payroll	-28,946.16
Ending Balance of Checking as of January 31, 2024	<u>\$185,162.71</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](mailto:rbritigan@parchment.org)  
269-217-0120

**BUDGET COMPARISON - FYTD JANUARY 31, 2024 ACTUAL VERSUS BUDGET**

	<b>FY2024 UPWP</b>	<b>Actual FYTD 1/31/24 33.3%</b>	<b>Over(Under) Budget</b>	<b>YTD % of Budget</b>
<u>PERSONNEL COST</u>				
Annual Salaries	395,858.33	102,543.57	(293,314.76)	25.90%
Total Fringe Expense	199,522.06	63,921.01	(135,601.05)	32.04%
<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	16,061.85	(36,659.06)	30.47%
Operating Costs	58,418.00	8,433.84	(49,984.16)	14.44%
Total Indirect Costs	111,138.91	24,495.69	(86,643.22)	22.04%

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

Elizabeth Rumick  
Office & Finance Manager, Kalamazoo Area Transportation Study  
[erumick@katsmpo.org](mailto:erumick@katsmpo.org)  
269-343-0766 ext. 11

Cover Letter (S193)	
Check Date :	01/12/2024-1
Period Range :	12/27/2023 TO 01/09/2024
Week Number :	Week #2

Please be aware that we will be closed on Friday, Dec 22, Monday, Dec 25 and Monday, Jan 1 in observance of the Holidays! We ask for your patience as phone/email volumes increase greatly for the next 6-8 weeks. We are working hard to get to everything as quickly as possible! We appreciate your business and wish you a Happy Holidays!

**Payroll Totals:**

**# Checks**

Total Regular Checks	0	0.00	
Total Direct Deposits	6	9049.94	
Total Manual Checks	0	0.00	
Total 3rd Party Checks	0	0.00	
Total Void Checks	0	0.00	
<b>Total Net Payroll</b>			<b>0 Items 9049.94</b>
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
<b>Sum of Checks</b>			<b>9114.97</b>
<b>Total of Checks Printed</b>			<b>0 Items</b>
Total Tax Liability		3426.89	
Total Workers Comp Liability		0.00	
<b>Total Payroll Liability</b>		<b>12541.86</b>	
Total Direct Deposits		9049.94	
<b>Total Debited From Account</b>			<b>12541.86</b>

**NEXT PERIOD DATES**

Check Date: 01/26/2024 Week 4  
 Period Begin: 01/10/2024  
 Period End: 01/23/2024  
 Call In Date: 01/24/2024 Week 4

**Payroll rep: Harmison Laura**

Cover Letter (S193)	
Check Date :	01/26/2024-1
Period Range :	01/10/2024 TO 01/23/2024
Week Number :	Week #4

Please be aware that we will be closed on Friday, Dec 22, Monday, Dec 25 and Monday, Jan 1 in observance of the Holidays! We ask for your patience as phone/email volumes increase greatly for the next 6-8 weeks. We are working hard to get to everything as quickly as possible! We appreciate your business and wish you a Happy Holidays!

**Payroll Totals:**

**# Checks**

Total Regular Checks	0	0.00	
Total Direct Deposits	6	9262.88	
Total Manual Checks	0	0.00	
Total 3rd Party Checks	0	0.00	
Total Void Checks	0	0.00	
<b>Total Net Payroll</b>	<b>0 Items</b>		<b>9262.88</b>
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		
<b>Sum of Checks</b>			<b>9327.91</b>
<b>Total of Checks Printed</b>	<b>0 Items</b>		
Total Tax Liability		3575.11	
Total Workers Comp Liability		0.00	
<b>Total Payroll Liability</b>			<b>12903.02</b>
Total Direct Deposits		9262.88	
<b>Total Debited From Account</b>			<b>12903.02</b>

**NEXT PERIOD DATES**

Check Date: 02/09/2024 Week 6  
 Period Begin: 01/24/2024  
 Period End: 02/06/2024  
 Call In Date: 02/07/2024 Week 6

**Payroll rep: Harmison Laura**

## Technical Committee Report

TO: Kalamazoo Area Transportation Study Policy Committee

FROM: Steven Stepek, AICP, Executive Director

DATE: February 21, 2024

SUBJECT: Technical Committee Report

The Technical Committee met February 8, 2024 at 9:30 a.m.

### STATUS REPORTS

#### TRANSIT and ROADS-

**Transit.** The Central County Transportation Authority (CCTA) / Kalamazoo County Transportation Authority (KCTA) board approved Via Transportation as the microtransit program vendor. Service is expected to be launched in April. Plans are underway to determine north, south, east, and west zones and how they will connect to the fixed route system.

#### ROADS-

**Michigan Department of Transportation (MDOT).** The grant to fund the I-94 Paw Paw interchange project was not awarded. The project is now programmed for 2030. MDOT will continue to look for other grants to fund it to potentially move up timing. The project is a new bridge over I-94 with roundabouts on each side. The US-131 KL Avenue project was awarded. Construction will start in April.

**Village of Augusta.** The 2024 Washington Street bridge project plans continue. Road improvements will be made on M-96 this summer. Plans continue on the potential extension of the non-motorized trail from Galesburg to Fort Custer.

**City of Portage.** The 2024 Portage Road project from Romence Road to I-94 bids came in 7% over estimates. The project was red flagged by the Michigan Department of Transportation (MDOT) for non-balancing. Bids are open for the Cooley Drive project. Other local projects are under design.

**Van Buren County Road Commission.** One local, two-mile project in Paw Paw Township is out for bid.

**City of Kalamazoo.** The Westnedge water main and resurfacing project will start in early March. Northbound traffic will be detoured onto Burdick. The Whites Road project will begin in early March. Westbound traffic will be detoured from Oakland to Westnedge. The Inkster Bridge project will require closure of Bronson Blvd from Whites Road to Crosstown beginning March 18, 2024 for approximately one to two months. Alternate routes are recommended for north and southbound travel on either Burdick or Portage Road. The Ransom Street project beginning at Pitcher going west, will restart in March. The Howard Street project between Stadium Drive and Michigan Avenue is out for bid now. This will include mill and fill, curb and gutter work, and U-turn pockets. Single lane closures are planned. The Riverview Drive bids came back close to estimates except for mobilization and traffic control which were 50% over. There were contingencies and it was a locally let project. Sidewalk work will start in April with road work in May and June. The road will be down to one lane north and south. The Safe Streets for All grant request for proposals are going out now. Installation for the pilot study will begin in early May and last through 2025. Winchell neighborhood Safe Routes for School will be out for bid soon. The Michikal Street project came in significantly over budget. It will be rebid soon. Michigan Avenue design will be underway soon. Request for Proposals for other downtown

streets will follow. A public open house with information on 2024 construction projects is scheduled for February 20, 2024 at the Girl Scout Building at Maple and Crosstown.

#### **LAND USE/PLANNING AND ZONING-**

**Comstock Township.** The Planning Commission meeting tonight will include a presentation by industry representatives on battery energy storage systems. The February 22, 2024 Planning Commission meeting will feature solar energy industry representatives. Meetings are available on the Public Media Network.

**Michigan Department of Transportation.** There is both a Road Usage Funding survey and a Complete Streets survey out now.

**Village of Augusta.** The zoning commission is working on a project for a solar farm. Strategic planning is underway to revise village zoning. A survey will be sent out in March for upgrading zoning maps.

**Oshtemo Township.** The township is hosting a public hearing for a new mixed-use ordinance.

**City of Galesburg.** The city approved a Consumers Credit Union. Construction will start in October with opening planned for early in 2025.





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 ✉ info@KATSmpo.org

TO: KATS Policy Committee  
 FROM: Steven Stepek, KATS Executive Director  
 DATE: February 19, 2024  
 SUBJECT: Southcentral Michigan Planning Council Report

During the month of January, 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:

- Continued work on 2023 Federal Aid Road Condition Reports for each county in Region 3
- 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
- Updated the RTF #3 balance spreadsheet and submitted change requests for programming of approved project changes to JobNet for approval
- Worked on soliciting requests from Region 3 road agencies for approval of the use of additional one-time funding for non-federal aid road PASER data gathering. The money is unused funding from the FY 2023 asset management budget that was carried forward for 2024. To be eligible for use of the funds local agencies must work with their regional planning agencies to turn in a joint letter of request to the Transportation Asset Management Council (TAMC). For Region 3, outside of the KATS area, requests were submitted for Barry and Branch counties
- Worked on updating the Transportation page of the SMPC website with current data and documents
- Updated Roadsoft and Laptop Data Collector software
- Attended the online refresher program from TAMC

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.
- Completing and submitting updated HPMS data to MDOT
- Completing work on 2023 Federal Aid Road Condition Reports for the counties in Region 3, posting to the SMPC website and submitting to TAMC
- Attending PASER rating training and work on scheduling 2024 data collection

## KALAMAZOO AREA TRANSPORTATION STUDY POLICY COMMITTEE

DRAFT Minutes of the January 31, 2024 Meeting

### CALL TO ORDER

The January 31, 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. Greg Kinney, Van Buren County, joined the meeting virtually.

### ROLL CALL

Meeting attendance was recorded on the sign-in sheet.

### MEMBERS PARTICIPATING

Curt Aardema	Central County Transportation Authority
Heather Bowden	Michigan Department of Transportation, Planning
Rob Britigan	City of Parchment
Marsha Drouin	Richland Township
Tim Frisbie	Village of Vicksburg
John Gisler	Kalamazoo County
Todd Hackenberg	Village of Lawton
Robert Henderson	Van Buren Public Transit
Jeff Heppler	Village of Augusta
Adam Herringa	City of Portage
Greg Kinney	Van Buren County Road Commission
Judy Lemon	City of Galesburg
Traci Locey	Brady Township
Sherine Miller	Kalamazoo Township
Pete Pfeiffer	Michigan Department of Transportation, TSC
Chris Praedel	City of Kalamazoo
Aditya Rama	Kalamazoo County Transportation Authority
Jeff Sorensen	Cooper Township
Paul Sotherland	KATS Citizens' Advisory Committee
Randy Thompson, Chair	Comstock Township
Don Ulsh	Schoolcraft Township
Jerry VanderRoest	Charleston Township
Mark Worden	Road Commission of Kalamazoo County

### OTHERS PARTICIPATING

Megan Mickelson	Kalamazoo Area Transportation Study
Fred Nagler	Kalamazoo Area Transportation Study
Elizabeth Rumick	Kalamazoo Area Transportation Study
Jordan Smith	Maner Costerisan

Jon Start  
Steve Stepek  
Ali Townsend  
Bret Witkowski

Citizen  
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**

Heppler moved, and it was duly seconded by Sorensen, **“to approve the agenda of the January 31, 2024 Policy Committee Meeting.”** MOTION CARRIED.

#### **PUBLIC COMMENTS**

No citizens’ comments were made.

#### **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 DECEMBER 20, 2023 MEETING

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

#### **FY 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENTS**

Referring to the amendments enclosed in the meeting packet, Stepek explained there are only four proposed amendments to the Transportation Improvement Program (TIP) this month. Two are Road Commission of Kalamazoo County cost adjustments. There is a Sprinkle Road railroad project and removal of a Michigan Department of Transportation project at Sprinkle Rd and M-343 (Gull Road).

Sorensen moved, and it was duly seconded by Ulsh, **“to approve the FY 2023-2026 Transportation Improvement Program Amendments.”** MOTION CARRIED.

#### **AMENDED LIMITED ORPHAN MAINTENANCE AREA (LOMA) OZONE CONFORMITY DOCUMENT FOR THE TRANSPORTATION IMPROVEMENT PROGRAM**

Documents are included in the meeting materials. With the addition of the US-131 BR project to last month’s Transportation Improvement Program, Kalamazoo Area Transportation Study (KATS) was required to prepare a new Conformity Document. An Interagency Work Group met and agreed on the designation of the projects for air quality conformity. No public comments were received on the document that has been out for public review. KATS Staff and the Technical Committee recommend approval of the Conformity Document.

Heppler moved, and it was duly seconded by Aardema, **“to approve the Limited Orphan Maintenance Area (LOMA) Ozone Conformity Document for the Transportation Improvement Program.”** MOTION CARRIED.

## 2024 SAFETY PERFORMANCE MEASURE TARGETS

Referring to the safety documents and resolution in the packet, Stepek reminded attendees this was discussed at last month's meeting. Stepek reiterated Kalamazoo Area Transportation Study (KATS) is required to adopt the statewide safety performance targets every year. The safety targets are not goals but are predictions of what is expected. KATS Technical Committee added verbiage to the resolution of support showing decreasing trends of death and injury in our Metropolitan Planning Organization region. The Technical Committee approved the revised resolution. KATS staff and the Technical Committee recommend approval of the resolution.

Heppler moved, and it was duly seconded by Drouin, ***"to approve the 2024 Safety Performance Measure Targets and for the Chairperson to Sign the Resolution on Behalf of the Committee."***

MOTION CARRIED.

## FY 2024 FINANCIAL AUDIT PRESENTATION AND REPORT

The Audit Governance Letter is included with the meeting materials along with a link to the Fiscal Year 2023 Audited Financial Statements. Jordan Smith, Principal Auditor from Maner Costerisan presented Kalamazoo Area Transportation Study (KATS) financial highlights and audit results for the fiscal year ending September 30, 2023. Upon completion of the audit, Maner Costerisan issued a clean opinion, the highest level of assurance, that the financial statements present fairly in all material respects, the financial position of Kalamazoo Area Transportation Study as of and for the year ended September 30, 2023 in accordance with accounting principles generally accepted in the United States of America. There were no audit findings nor adjusting journal entries. The current ratio or ability to meet obligations at September 30, 2023 was 3.04 percent. Unrestricted Net Position, or the ability to operate without generating additional revenue is 26%. Graphs depicted 5-year trends of revenues, expenses, and total net position. During the audit, material deficiencies in internal controls were not identified. Upcoming accounting pronouncements to be aware of include reporting of accounting changes and error corrections, compensated absences liability reporting, and risk disclosures, GASB No. 100, No. 101, and No. 102, respectively. In responding to Britigan's question, it was discussed that it is difficult to compare KATS Net Position to other Metropolitan Planning Organizations due to differing organizational structures, size, and program support requirements and policies.

## PUBLIC TRANSPORTATION UPDATES

Aardema reported Metro continues development of its microtransit program. Earlier this month, the Central County Transportation Authority (CCTA) / Kalamazoo County Transportation Authority (KCTA) board approved River North Transit as the vendor for the program. River North is part of Via Transportation. Muskegon, Grand Rapids, and metro Detroit are already using River North for their microtransit services. It was noted that River North would have a local presence and handle all aspects of the program with in-house staff, marketing, vehicles, reservation systems, and technology. The 18-month pilot program will start with eight leased minivan vehicles branded as Metro, housed at Avis. Adjustments will be made depending on the successes and opportunities for improvement of the pilot program. The service is expected to be rolled out before the end of the year. Details of the program, including its name, are still being planned. The program will be a technology-based service intended to complement the existing metro service. Further discussion ensued.

## **EXECUTIVE DIRECTOR'S REPORT**

The updates are included in the meeting packet. Stepek added his biannual review is underway. Email any comments to Chair Randy Thompson. The Finance and Personnel Committee will meet immediately following this meeting. Kalamazoo Area Transportation Study (KATS) received a draft of the Certification Review document. No corrective actions were discovered. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) provided recommended corrections to KATS Public Participation Plan. All agencies in the state, including KATS are required to update their Title VI plans to adhere to new FHWA/FTA guidelines. Instead of self-investigating any complaints, complaints must be transferred to agencies one level up. Local community agencies and KATS complaints would be referred to the Michigan Department of Transportation. KATS will present an updated Title VI plan next month. KATS Technical Committee Prioritization Subcommittee will begin meeting next month. Changes will be incorporated into the KATS prioritization process to prepare for the call for the Transportation Improvement Program (TIP) this fall. Stepek reminded attendees to return their agency FY 2025 contributed service agreements if you haven't already.

## **NEW BUSINESS**

No new business was brought forth.

## **PUBLIC COMMENTS**

No citizens' comments were made.

## **MEMBER COMMENTS**

Sotherland announced the Kalamazoo Bike Club is starting to feature 'cycling shorts' presentations about cycling. They are held the second Tuesday of the month at 7:00 p.m. at the Oshtemo Township City Center. The February 13, 2024 presentation will feature guest speaker George Waring, Civil Engineer with the City of Kalamazoo. He will discuss Kalamazoo's quest for safe access to all streets.

Praedel reported that the City of Kalamazoo water main project on Westnedge Avenue will be a very impactful traffic project in 2024. Alternate north/south travel routes are recommended. Expect delays on Whites Road since traffic will be down to one lane during the project there. Bronson Blvd will be closed intermittently during bridge reconstruction. As a follow-up to Gisler's question on safety progress resulting from road projects, an email from Praedel was forwarded to all members. It included links to the City of Kalamazoo live webinar presentations on Major Streets and Engineering. Attendees discussed parking in the city.

Heppler reported plans are underway for the Village of Augusta 2024 Washington Street bridge project. The road will be totally closed during construction. Repair on M-96 is anticipated in summer. Sotherland and Heppler discussed trail expansion in and around the village.

VanderRoest announced Charleston Township approved road projects for this year. VanderRoest expressed appreciation to the Road Commission of Kalamazoo County for holding the joint meeting with Charleston Township and Ross Township regarding the M-96 and D Avenue concerns. VanderRoest expressed concern about the Michigan Department of Transportation (MDOT) paying people to complete and submit a survey on future roadway funding.

Gisler stated the Kalamazoo County Board of Commissioners is seeking a replacement for Angelina Barnes who served as Corporation Counsel. Her last day is Friday, February 2, 2024. Contact Gisler if you are interested in Avelo Airline coupons for roundtrip flights taken through the end of June 2024.

Sorensen reported progress continues on the Cooper Township Hall renovation. Tresses that were too long are being re-engineered on site. Their installation is planned to begin tomorrow.

Worden reminded attendees to continue to drive for conditions during the winter season. The Road Commission of Kalamazoo County (RCKC) is seeking feedback via a 'safe streets for all' survey. The survey is available on the [kalamazoocountyroads.com](http://kalamazoocountyroads.com) website. RCKC's 2024 schedule of joint meetings with townships is available on the website. RCKC is hosting an open house for its new location from 4:00 – 7:00 p.m. on March 21, 2024. Seasonal weight restrictions went into effect at 6:00 a.m. this morning, January 31, 2024 for Kalamazoo County roads not designated as all season roads.

Frisbie announced the Village of Vicksburg's council meeting was held this past month for the first time at the village's new municipal building which was paid for in cash. An open house is anticipated in spring.

Pfeiffer reported that the Michigan Department of Transportation (MDOT) spring weight restrictions will be in effect starting Friday, February 2, 2024 at 6:00 a.m. for statewide seasonal roads. There is only one state road in the Kalamazoo Area Transportation Study Metropolitan Planning Organization area that is a seasonal road. It is M-89 and M-43 west of Richland toward the Barry County line. All other roads are all season roads.

#### **ADJOURNMENT**

There being no further business, Chairperson Thompson adjourned the meeting at 10:07 a.m.

*The next meeting of the Kalamazoo Area Transportation Study Policy Committee will be held on Wednesday, February 28, 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](mailto: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.

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### 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](mailto: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-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 statues 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 5<sup>th</sup>.

**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](http://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](mailto: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 issued 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](mailto: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 \_\_\_\_\_

**Alleged Discrimination:**

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

\_\_\_\_\_ Race

\_\_\_\_\_ Retaliation

\_\_\_\_\_ Color

\_\_\_\_\_ National Origin

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

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return completed form to:  
 Steven Stepek, AICP, Executive Director  
 Kalamazoo Area Transportation Study  
 5220 Lovers Lane, Suite 110  
 Portage, MI 49002  
 Email: [info@katsmpo.org](mailto:info@katsmpo.org)

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

## 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](http://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