

Twin Cities Area Transportation Title VI Plan

All entities who receive Federal Transit Administration (FTA) grant dollars either directly from the FTA or through the Michigan Department of Transportation are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and must follow Federal Transit Circular 4702.1B. This Title VI plan must have board approval.

Board Chairman _____

Approval Date _____

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A. BACKGROUND

Any entity receiving federal dollars, either directly from the Federal Transit Administration (FTA) or through the Michigan Department of Transportation (MDOT), must not discriminate based on factors which include, but are not limited to, race, ethnicity, age, disability status, national origin or gender.

This handbook specifically addresses discrimination prohibited based on Title VI of the 1964 Civil Rights Act, a federal statute. If an agency is found in violation of Title VI, that agency may lose its federal funding.

The exact language prohibiting discrimination in Title VI reads: “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.”

Twin Cities Area Transportation (TCATA) is a direct recipients of Federal Transit Administration federal financial assistance and are subject to the Federal Title VI program with all of its activity. Executive Order EO 12898 directs us to achieve environmental justice part of TCATA’s mission.

TCATA is a small urban but has the same responsibilities of any direct recipients of Federal Transit Administration federal financial assistance.

B. TITLE VI DEFINITIONS

ADA: American Disability Act of 1990

Color: Skin color or complexion

Direct recipient: Means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to sub-recipients, whereas a primary recipient does.

Environmental Justice: To prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.

Fixed route: Refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.

Federal financial assistance: Refers to

(1) grants and loans of Federal funds;

(2) the grant or donation of Federal property and interests in property;

(3) the detail of Federal personnel;

(4) the sale and lease of, and the permission to use (on other than a casual or transient basis), 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

(5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

Limited English Proficient (LEP) persons: Refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Low-income person: Means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.

Low-income population: Refers to 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 FTA program

Metropolitan transportation plan (MTP): Means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

Minority persons: Include the following:

(1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

(2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.

(4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority population: Means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

Minority transit route: Means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group

National origin: Means the particular nation in which a person was born, or where the person's parents or ancestors were born

Race (as defined by the U.S. Census): A social classification of people which includes, at a minimum, White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander. (Based on the demographics for your area, other races may be included.)

Service area: Refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.

TCATA: The recipient of the federal funds, Twin Cities Area Transportation Authority.

Title VI Discrimination: Refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

C. RECIPIENT TYPES AND RESPONSIBILITIES

TCATA is a **Direct Recipient** of program funds from FTA

Sub recipient of TCATA: Southwest Michigan Planning Commission, our MPO, receives funds from TCATA for New Freedom (5317) grant. We are responsible to insure they comply with the Title VI Program. This is accomplished by monitoring their activities which includes:

- 1) Attending all planning meetings to ensuring that all planning follow a Title VI Plan.
- 2) Review their web site and facility for posting of Title VI information.

D. GENERAL TITLE VI REQUIREMENTS

Because TCATA receives federal funds all of our programs and activities must comply with Title VI. We:

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

Timelines

Title 49 CFR Section 21.9(b) requires recipients to “keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].”

TCATA will submit a Board Approved Title VI Program to our FTA regional civil rights officer once every three years or as otherwise directed by FTA. A copy of the board resolution will be submitted.

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E. SPECIFIC REQUIREMENTS

1. Title VI Notice to the Public Locations

- a) All revenue vehicles
- b) Facility waiting area
- c) Employee lunch room
- d) Maintenance garage by time cards

2. Complaint Procedures

TITLE VI COMPLAINT PROCESS

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

To comply with the reporting requirements established in 49 CFR Section 21.9(b), TCATA has developed procedures for investigating and tracking Title VI complaints filed against us and make procedures for filing a complaint available to members of the public.

a) Internal Complaint Procedures

1. Once the complaint is received, TCATA’s Executive Director will investigate and will review it to determine if he has jurisdiction. The complainant will receive an acknowledgment letter informing her/him whether the complaint will be investigated by our office.
2. TCATA has 90 days to investigate the complaint. If more information is needed to resolve the case, TCATA may contact the complainant. The

- complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, TCATA can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
3. After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains how the situation will be addressed, and whether any disciplinary action, additional training of the employee, or other action will occur. If the complainant wishes to appeal the decision, she/he has 90 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the **Federal Transit Administration Office of Civil Rights Attention: Complaint Team East Building, 5th Floor – TCR 1200 New Jersey Ave., SE Washington, DC 20590**

b) Instructions on How to File a Title VI Complaint

1. Complaints by any individuals may be made in writing up to one hundred eighty days (180) to the Executive Director who shall forthwith acknowledge receipt of the complaint and promptly conduct an investigation of the allegations and present the complaint to the Board of Directors of TCATA. The complainant shall promptly be inform in writing within seven (7) days of the results of the investigation. If the Executive Director finds such complaint to be meritorious, appropriate corrective action shall be promptly taken. The complainant may then file a complaint with the Federal Transit Administration. Include the following information in your complaint:
 - A. Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.) or use form Appendix B

B. How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses and any other available information. Send to:

Twin Cities Area Transportation Authority

Executive Director

275 East Wall

Benton Harbor, Michigan 409023-0837

Email tcata1@comcast.net

And at www.mywaythere.org

Or / And

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

3. Complaint Form:

Title VI complaint form, and the form and procedure for filing a complaint are available a website that informs the public on the transit system available in Berrien County. TCATA has a section dedicated to or service and policies. It includes a section on the Title VI complaint form. This website is Mywaythere.org. The public notice has information on how to get the complaint procedure and complaint form. This website also has or ADA plan and application.

The complaint form is **Appendix B** of this document.

4. Complaints file in the last three fiscal years.

To comply with the reporting requirements of 49 CFR Section 21.9(b), TCATA prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA.

There has been no Title VI complaints or law suits filed against TCATA in the last three years. The report is **Appendix C** of this document.

Any complaint or law suit will be on file in the administration department at the facility of TCATA located at 275 East Wall, Benton Harbor, MI, 49022.

5. Public Participation Plan and Used for the Past Three Years

The purpose of the Public Participation Plan is to insure full and fair participation by all stakeholders as part of the decision making process of the transportation community. This will identify transit needs and set priorities. Times for public hearings are held at 12:00 Noon and 5:00 p.m. for more accessibility. In the last three years we have performed the following outreach programs.

TCATA coordinates with our Metropolitan Planning Organization, Southwest Michigan Planning Commission, on public outreach. A notice of our monthly planning meeting invites all of the public to participate in the decision-making process to develop transportation plans. The meeting has representatives from all the communities and individuals that have a stake hold in the transit system. This shows our transportation needs with the limited funds available.

All public notices of meetings are posted at the City of Benton Harbor City Hall, on the buses, in the public newspaper, in the lobby of TCATA facility, on the website: www.mywaythere.org and on our electronic sign at our facility.

Board meetings are held monthly at a location that is on the Motor Bus Route which operate in our low income communities. Flyers are distributed along these routes to inform the public on how to use the Motor Bus Route.

At these meetings we provide information on financial health of the system. We also present information on each community's ridership which show trends in

ridership. Ridership numbers are shown for each mode of transportation and how these compare with previous years. This puts us in a better position to know if the needs of the communities are continually being met.

We have a Mobility Manager that reaches out to our passengers eligible under the American with Disability Act. He / She provide training on the use of the bus system and informs passengers on any changes in our plan. He / She collects information on how to improve our service to these passengers.

There is a website: mywaythere.org that informs the public on all the transportation options in our communities. The web site gives access to our public notices, Motor Bus Routes, Title VI Policy and how to file a complaint, ADA Policy and application and any transportation issue.

All meeting sites are ADA accessible.

All of these outreach programs will continue to be used giving the public accessibility to the planning process of TCATA.

6. Language Assistance Plan

Analysis Using Four Factor Frameworks

TCATA has conducted the following analysis using the four factors identified in the DOT LEP Guidance:

- 1) Factor 1: Number and proportions of LEP persons served or encountered in The eligible service population:

Task 1: Step 1: Examine prior experiences with LEP individuals.

TCATA has had no history of LEP individuals having come in contact with our services. We have no reason to believe at this time there would be a change, but we continue to monitor the buses, dispatch and office personnel.

Task 1 Step 2: Become familiar with data from U.S. Census and the area you service.

The 2010 Census describes the languages spoken in our service area and the number speaking each language as follows:

<u>Language Spoken</u>	<u>Number</u>	<u>Percent</u>
English	51,125	98%
Non English	922	2%
Total	52,047	100%

The most non English speaking numbers come from Benton Township area. And we service approximately one half of that municipal. This information was obtained from the U.S. Census Bureau which shows the totals by number for each language spoken by municipals. Non-proficiency is determined by adding those who speak English in any category other than very well. The percent by municipal is show in appendix A.

TCATA service area is the city of St. Joseph, Benton Harbor, part of St. Joseph Township and part of Benton Township.

Factor 3: The importance to LEP persons of you program, activities, and services.

Having a low percentage of individuals speaking a language other than English, indicates that there is no LEP community per se within our service area.

We will continue to accumulate data from the community to recognize any change in the percentage of LEP persons.

Factor 4: The resources available to the recipient and cost.

TCATA will continue to review input from the community organizations and the LEP persons. We are able to utilize the Berrien County Department of Human Services to help with any translation needed. We also have the assistance of Andrews University Translation Service. Andrews University is in a community about ten

miles from us and it attracts student from all over the world. It is included in the Translators Resource List provided by the State of Michigan. TCATA's staff will be informed of the Title VI policy with posters displayed in the lunch room area. They will have the number of the Translation Services

7. Membership Table

Board and LAC Members are chosen by the Mayor of the City of Benton Harbor. The City of Benton Harbor has an 89% African-American population. The City Authority's members are representatives of the population's race.

Board Members Makeup

Black or African Americans	100%
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LAC Members Makeup

Black or African Americans	80%
Caucasian	20%

Minutes to all public meetings are on file at facility.

8. Equity Analysis

a) Facility is located in downtown Benton Harbor. Benton Harbor has an 89% minority population.

b) Vehicles are all the same small cutaway bus format.

9. Service Standards

a) Vehicle Load Standards

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 16 passengers for our vehicles which are all small cutaways.

	Passengers		Total
	Seating	Standing	
Small Cutaways	12	4	16

b) Vehicle Headway

Fixed route service starts at 6:00 am and ends at 10:00 pm. A vehicle operates on the hour and on the half hour. A vehicle is started at the top of the hour every four hours so any of the schedule that is lost will be reset every four hours.

Two Routes	Week Day	
	Start	End
Bus A	6:00 am	10:00 am
Bus B	10:00 am	2:00 pm
Bus C	2:00 pm	6:00 pm
Bus D	6:00 pm	10:00 pm

Second bus starts at 6:30 am and has the same pattern

One route	Saturday	
	Start	End
Bus A	8:00 am	2:00 pm
Bus B	2:00 pm	6:00 pm
Bus C	6:00 pm	10:00 pm

10. Monitoring Sub-recipients

The only sub-recipients we have is with our Metropolitan Planning Organization, Southwest Michigan Planning Commission. New Freedom funds are used for a Mobility Manager at our MPO.

They participate in our public notice process but we still monitor their Title VI program. We monitor their website: southwestmichigan.org to ensure their Title VI program is up to date and their facility to see if Title VI public notice is displayed.

TWIN CITIES AREA TRANSPORTATION AUTHORITY

TITLES VI NOTICE TO THE PUBLIC

Title VI of the Civil Rights Act of 1964, provide that no person shall on the ground of race, color, national origin, gender, or disability be excluded from participating in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. It is the responsibility of **Twin Cities Area Transportation Authority** to ensure that this project is performed without discrimination, under Title VI. If you feel you are being denied participation in this project, being denied benefits of this program, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may file a complaint with **Twin Cities Area Transportation Authority**.

For more information on **Twin Cities Area Transportation Authority** civil rights program, and the procedures to file a complaint, contact 269-927-2268; email tcata1@comcast.net ; or visit or administrative office at 275 East Wall Street, Benton Harbor, Michigan 49022. For more information visit: Mywaythere.org.

If information is need in another language, contact 269-927-2268.

APPENDIX B

TWIN CITIES AREA TRANSPORTATION AUTHORITY TITLE VI COMPLAINT FORM

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

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print	Audio Tape	
	TDD	Other	
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply): [] Race [] Color [] National Origin Date of Alleged Discrimination (Month, Day, Year): _____ Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			

Section IV			
Have you previously filed a Title VI complaint with this agency?	Yes	No	

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No If yes, check all that apply: Federal Agency: Federal Court State Agency State Court Local Agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

City of USA Title VI Coordinator

1234 Center Street

City of USA, State 11111

APPENDIX C

**TWIN CITIES AREA TRANSPORTATION AUTHORITY
TITLE VI LIST OF EVENTS,
LAWSUITES AND COMPLAINTS**

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations	0			
1.				
2.				
Lawsuits	0			
1.				
2.				
Complaints	0			
1.				
2.				

- *No complaint have been filed in the last three fiscal years*