

# Southwest Michigan Planning Commission



## Title VI Non-Discrimination Plan

November 2011

Southwest Michigan Planning Commission  
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Southwest Michigan Planning Commission  
Title VI Non-Discrimination Plan

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## **Section I: Introduction**

This document will serve as the Southwest Michigan Planning commission's policy and action on any and all Title VI Non-discrimination activities.

### **Historical Sketch**

#### **Planning and Development Region IV**

The Southwest Michigan Planning Commission (SWMPC) is one of 14 Regional Planning and Development Regions created in 1968 by Governor George Romney. This step was taken in response to a growing number of federal programs (housing, water quality, economic development, and transportation) that recognized the area-wide nature of many problems. The regional boundaries were established as a consistent geographic area upon which not only planning activities, but also the delivery of services could be based. Berrien, Cass, and Van Buren Counties were established as "Planning and Development Region IV."

The Southwest Michigan Planning Commission was organized officially in 1973 by resolutions of the Boards of Commissioners of Berrien, Cass, and Van Buren Counties, but was not formally staffed until 1974. The organization was known as the Southwestern Michigan Regional Planning Commission. Prior to that time, Berrien and Cass Counties were members of the Michiana Area Council of Governments, based in South Bend, and serving communities in both Michigan and Indiana at that time. Van Buren County had no regional affiliation.

The original board was made up of county commissioners and mayors. Over the years, additional representation has been added from townships and the general public, with the intent of having a representation that reflects a variety of special interests, ethnic diversity, and that meets the District designation requirements of the U.S. Economic Development Administration.

#### **SWMPC – Evolving to meet Regional needs**

As the membership of the Board has evolved since 1974, so has the mix of programs offered by the Commission. Originally, SWMPC was conceived as an organization that would complete those planning documents necessary to retain the eligibility of Southwestern Michigan's communities for federal funding. The member communities worked together to develop sets of policies and procedures governing the location of sewer and water treatment systems, transportation facilities, publicly funded housing, comprehensive planning, and other related activities.

The Commission's second phase of evolution began in the late 1970's after the majority of the policy planning documents had been developed. Although regional planning and development regions have no implementation powers, the Commission chose to move from the policy planning stage to the development of implementation plans. Specifically, this movement entailed building consensus among the area communities for specific projects, which would lead to the realization of the policies previously adopted. Among the products of the second phase process were the Criminal Justice Training Program, the activities of the Southwestern Michigan Business Promotion Program, the development of the Southwestern Michigan Tourist Council

(now an independent organization), and the implementation of well-log mapping projects in the three counties.

At approximately the same time, a series of outside decisions began to have an impact on the provision of services in southwestern Michigan and elsewhere. As the late 1970's and early 1980's progressed, federal funding was reduced for a number of program areas. This reduction came at a time when inflation made provision of services increasingly expensive, and applied not only to planning activities but technical services as well. Thus, SWMPC took on a number of activities designed to lessen the impact of such funding reductions on Southwestern Michigan. These activities took several forms. A management agreement was begun with the Human Resources Commission in which the Commission provided staff services for administering substance abuse services programs. This was accomplished at a reduction of approximately 15 percent in administrative costs. At the same time, the Commission began seeking contracts to provide planning and management services to other agencies and units of government. Among these activities were the administration of coastal management grants and projects on behalf of Hagar Township, the City of Bridgman and others; provision of planning services to Berrien County Action, Inc.; and the staffing of the Southwestern Michigan Development Company, Inc.

It was during this period that Southwestern Michigan Regional Planning Commission voted to change its name to Southwestern Michigan Commission. This action was taken in recognition of the fact that the Commission had become less a planning body and more of a management, administration, and contract agency.

The third evolution of the SWMPC came in 1982 when the Commission experienced a substantial downsizing. At this time, the organization returned to its role of planning and coordination. The late 1980's brought requests for assistance in grant writing, grant management, policy planning and other similar activities to be conducted on behalf of agencies and local units of government. A "Local Technical Assistance Program" was formalized in 1987.

Another evolutionary phase has been the one reflecting the Age of Information and Technology, which has fostered the incorporation of computers and their applications in areas affecting the operations of the Commission. The collection of the substance abuse service provider's raw data was the first phase of computerization, followed by the accounting system. By the early 90's, every staff person was assigned a desk top system. The necessary hardware and software to create maps via geographic information systems was obtained in 1990. Also during this time the Commission became a designated Census Information Center. The SWMPC established a library that included print as well as CD ROM material, in response to providing information becoming a key role of the Commission.

The millennium finds SWMPC in an age of collaboration and co-partnering brought on by shrinking resources and more need. The Commission co-sponsors workshops, and is a participant in many discussion or work groups relating to various topics. The topics generally relate to the continuing program areas that the Commission undertakes such as transportation, economic development, land use/growth management, solid waste, and resource management.

Essentially, this is an age of much greater demands on time while few new funding sources are available.

Within the last decade, the SWMPC underwent changes brought about by implementation of a new transportation planning process and its emphasis on greater technical support. A strategy was developed to incorporate that support within the Information Center of the agency in order to efficiently serve all agency programs and outside users of our planning and information services. Eventually this information role led to the development of the website. An important role in writing and administering Community Development Block Grants also continues. New grant programs added in 2000 were the Rideshare coordination program and the US 31 Corridor Preservation Project. Rideshare continues and other transit projects have become part of overall efforts to benefit residents beyond the Metropolitan Planning Organizations.

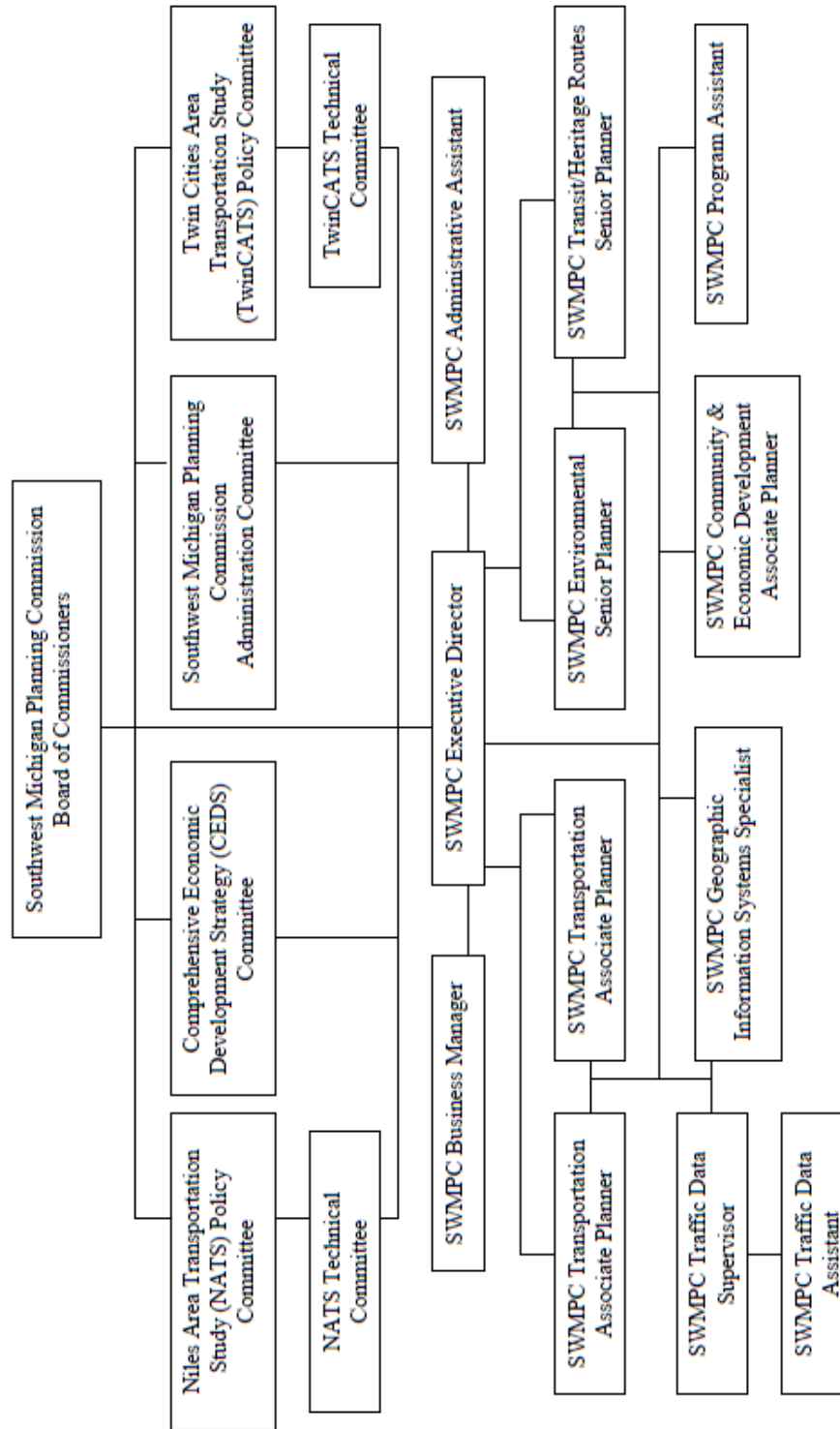
Another name change occurred in January 2004 with the adoption of Southwest Michigan Planning Commission. However, the change was not fully implemented with a new logo, stationery, and website until April 2007.

### **Beyond our Borders**

Watershed planning for the St. Joseph, Dowagiac, Galien and Paw Paw Rivers has led to collaboration with neighboring counties and national environmental organizations. Oversight of Heritage Routes US 12 and I-69 have been assigned to SWMPC as well as development of a nine county non-motorized map and plan. The Commission participates in Great Lakes watershed activities as well as economic and transportation endeavors of interstate interest.

## SWMPC Organizational Structure-2011

### Organizational Structure *As of August 2011*



## Non-Discrimination Policy Statement

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

In the event SWMPC distributes federal aid funds to another entity, SWMPC will include Title VI language in all written agreements and will monitor compliance.

SWMPC is responsible for initiating and monitoring Title VI activities, and all other responsibilities as required by 23 Code of Federal Regulation 200 and 49 Code of Federal Regulation 21.

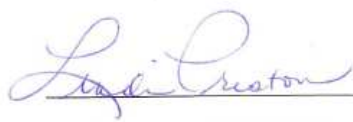
This plan was developed to guide the SWMPC in its administration and management of Title VI-related activities

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\_\_\_\_\_  
K. John Egelhaaf, Executive Director

October 18, 2011

Date

  
\_\_\_\_\_  
Linda Preston, SWMPC Chairman

10-18-11

Date

*This policy was adopted by the Twin Cities Area Transportation Study Policy Board  
on 10-17-2011 and by the Niles-Buchanan-Cass Area Transportation Study Policy Board  
on 10-25-2011*

*Resolution of Support can be found in Attachment A*



## **Title VI Authorities**

Title VI of 1964 Civil Rights Act and related statutes (as amended) provides that no person in the United States shall, on the grounds of race, color, national origin, sex, disability, creed, or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and 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).

### **Additional Authorities and Citations**

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000d-4; United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250, Executive Order 12898 (Environmental Justice); 28 Code of Federal Regulation 50.3; and Executive Order 13166 (LEP)

## Section II: Non-Discrimination Responsibilities

The Executive Director of the Southwest Michigan Planning Commission (SWMPC) is responsible the administration of the SWMPC Title VI Plan. As the SWMPC Title VI Coordinator, the Executive Director will oversee implementing, monitoring, and ensuring compliance with the Title VI regulations.

### Title VI Coordinator Contact Information:

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Phone: 269-925-1137 x 12  
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## Information Availability

### Public Dissemination

The SWMPC will disseminate Title VI Program information to its employees, all programs and activities, as well as the general public. Public dissemination will include:

- Posting of public statements
- Inclusion of Title VI language in contracts
- Announcement of hearings, and meetings in minority newspapers when determined necessary and funding is available
- Make available on the SWMPC website at [www.swmpc.org](http://www.swmpc.org) with multiple links to be found at [www.swmpc.org/board.asp](http://www.swmpc.org/board.asp) and [www.swmpc.org/transportation.asp](http://www.swmpc.org/transportation.asp)
- Make available in the SWMPC quarterly newsletter
- Make available on the SWMPC Facebook page

### Community Outreach

Community Outreach is a requirement of Title VI. As an agency receiving federal financial assistance, the SWMPC has made the following community outreach efforts available and open to the public:

- Conducts quarterly (4 times a year) SWMPC Board Meetings -- traditionally on the third Tuesday of the first month of each quarter
- Conducts monthly (12 times a year) Transportation Study Area meetings in Benton Harbor (on the 3<sup>rd</sup> Monday of each month at the Southwest Michigan Regional Airport beginning at 9:30 a.m.) and in Niles (on the 4<sup>th</sup> Tuesday of each month at the City of Niles Chambers beginning at 1:30 p.m.)
- Has a website [www.swmpc.org](http://www.swmpc.org) listing any and all public meetings including date, time and location that shows the next 30 days worth of events
- Title VI statements are posted on the SWMPC homepage [www.swmpc.org](http://www.swmpc.org) and are also in each employee manual along with posting at the front reception desk at the SWMPC office located at 185 E. Main St., Suite 701 Benton Harbor, MI 49022

## **Prevention of Discrimination**

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to issues of accessibility of training to all qualified SWMPC employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement and material acquisition.

## **Data Collection**

Statistical data on race, color, national origin, sex and other pertinent demographics of participants in, and beneficiaries of SWMPC programs, i.e. impacted citizens and affected communities, will be gathered by SWMPC staff and submitted to the Title VI Coordinator. All SWMPC program areas and activities will maintain data to be included in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of meeting the requirements of the Title VI program administration.

## **Training Program**

Title VI training will be made available to SWMPC staff on an annual basis. After the 2011 Title VI Plan meets approval from the necessary agencies, SWMPC will have a training session to highlight the Plan's benchmarks that SWMPC has set. The training will provide comprehensive information on Title VI provisions, its application to the program operations, identification of Title VI issues and resolution of complaints. A summary of training received will be reported in the annual update.

- Employee Title VI Training Form Attachment B
- Receipt of Title VI Plan Form Attachment B

## **Annual Reports**

The Executive Director will be responsible for ensuring that the following annual reporting measures are sent to program oversight agencies, such as the Michigan Department of Transportation's Title VI designated coordinator by October 1 of each year. All programs will be reviewed annually to assess effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Executive Director of SWMPC will coordinate efforts to ensure the equal participation in all their activities and programs at all levels. MDOT will be notified of any complaint filed at the SWMPC involving Title VI issues.

- MDOT Title VI Program or Activity Annual Certification Form Attachment F
- Title VI Accomplishments for the reporting year

## **Section III: Remedial Action & Complaints**

### **Remedial Actions**

The SWMPC will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the programs operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

Programs or activities placed in deficiency status will be given reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct the deficiencies.

SWMPC will seek cooperation of those conducting the program or activity in correcting any deficiencies found during the review. SWMPC will also provide the technical assistance and guidance needed to aid those conducting the program or activity to comply voluntarily.

When those conducting the program or activity fail or refuse to voluntarily comply with requirements within the time frame allotted, SWMPC will submit to the primary funding agency, or appropriate oversight agency, two copies of the case file and a recommendation that that program or activity be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that those conducting the program or activity have complied with the Title VI Plan requirements in correcting deficiencies previously identified.

### **Complaint Procedures**

If any individual believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination as a recipient of benefits and/or services, or on the grounds of race, color, national origin, sex, disability, creed or age they may exercise the right to file a complaint with SWMPC. SWMPC has developed the following process:

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the Southwest Michigan Planning Commission as to sub-recipients, consultants, contractors, or other persons or entities associated with the ongoing work of the SWMPC.

Intimidation or retaliation of any kind is prohibited by law.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution. Further, these procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

### ***1. Filing a Complaint***

Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI non-discrimination provisions may file a written complaint with SWMPC. A formal complaint must be filed within **180 calendar days** of the alleged occurrence. If the complainant could not reasonably be expected to know that discrimination had occurred, an additional 60 days are permitted.

### ***2. Complaint Forms***

Complaint forms are available from the SWMPC website ([www.swmpc.org](http://www.swmpc.org)) and in the SWMPC reception area of the office. A copy of the complaint form can be found in Attachment C of this document.

- ✓ Forms must be signed by complainant or legal representative.
- ✓ Assistance may be given by staff or other available individual in filling out form.
- ✓ The Original Complaint Form must be signed and sent to SWMPC Office – by mail or hand delivered.
- ✓ If the Complaint is filed by email or fax, the Original Complaint Form **MUST** be mailed or hand delivered to SWMPC.
- ✓ Original signed Complaint Forms will be delivered to the Title VI Coordinator

### ***3. Complaint Procedure***

Upon receipt of the complaint, SWMPC will determine its jurisdiction, acceptability, and need for additional information. In cases where the complaint is against SWMPC or one of its programs or activities of federal funds, SWMPC will forward the complaint to the Title VI oversight office of the proper funding agency such as the Michigan Department of Transportation Office of Equal Opportunity. Additionally, a copy of the complaint will be forwarded to SWMPC attorney for review.

If a complaint is against an agency that SWMPC does not have jurisdiction over, contact will be made with the appropriate agency and the complaint sent to their civil Rights office. The complainant will be advised that this action has been taken.

### ***4. Complaint Collection***

A date stamped copy will be filed in the Southwest Michigan Planning Commission Title VI Complaint binder in the reception area. Copies of related materials will be attached as produced. Electronic copies will also be made and saved within the main SWMPC electronic storage. Either of these filings will be available upon request. A summary of complaints received will be compiled annually and included in any required reports.

- A copy of the signed form will be sent to the appropriate primary funding source's Civil Rights office within 10 business days.
- A letter of acknowledgment will be sent to the complainant within 10 business days.
- Response from the investigative agency will be provided to the complainant. Any action directed by that agency will be implemented.
- Appeals will be available according to the primary funding source's regulations.

### ***5. Complaint Resolution***

SWMPC will comply with whatever the primary funding source agency's Title VI requirements and response procedures. A full outline of the Michigan Department of Transportation's Title VI Complaint Procedures can be found in Attachment D. MDOT's Title VI Non-Discrimination Plan can be found by visiting [http://www.michigan.gov/mdot/0,4616,7-151-9621\\_31783---.00.html](http://www.michigan.gov/mdot/0,4616,7-151-9621_31783---.00.html).

## Section IV: Environmental Justice

The following material was developed specifically for the SWMPC Metropolitan Planning Organization Twin Cities Area Transportation Study and, until a complete study of the entire region is available based on the 2010 US Census, indicates the extent of the need to address this issue in the area.

Environmental Justice (EJ) is a federal directive (Executive Order 12898, enacted in 1994) requiring all federal programs to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects as the result of its programs, policies, and activities on minority populations and low-income populations. Populations which require special consideration include historically under-represented populations like African Americans, Asian Americans, Native Americans, or Hispanic Americans, the elderly and low-income households.

In addition to the general EJ mandate, the US DOT published its own Order (5610.2) in the Federal Register on April 15, 1997. This Order requires the incorporation of EJ principles in all US DOT programs, policies and activities. The US DOT integrates the goals of the Executive Order through a process developed within the framework of existing requirements, primarily the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (to ensure that no person is excluded from participation in, denied the benefits of, or is subjected to, discrimination).

Within the TwinCATS area, efforts are undertaken to ensure that transportation system improvements that are implemented do not have disproportionately negative effects on minority and low-income populations. In addition, system investments must provide for an equitable distribution of benefits to the areas that are traditionally underrepresented in the planning process. In order to ensure that TwinCATS transportation investments are equitably benefiting (and not having a disproportionately negative affect) all of the region's diverse populations, the following procedures described below were undertaken.

### Methodology to Identify Environmental Justice Populations

In June of 2007, the SWMPC revisited its procedures by which TwinCATS EJ populations were identified. Staff turned to representatives from MDOT to determine the procedures used at the state level for EJ analysis. The methodology described below outlines the procedures used for TwinCATS EJ analysis and parallels what is being used at the State level.

Minority group population numbers were assembled from the following 2000 US Census sources:

- Total Population (Summary File 1, P003001);
- Black or African American alone (Summary File 1, P003004);
- American Indian and Alaskan Native alone (Summary File 1, P003005);
- Asian alone (Summary File 1, P003006); and
- Hispanic or Latino (Summary File 1, P004002).

All but Hispanic or Latino population numbers were drawn from populations of one race. Since the US Census does not consider Hispanic or Latino to be a race designation, there can be, by definition, individuals who identified themselves as two or more races within the Hispanic or Latino designation.

Low-income population numbers were drawn from the following 2000 US Census sources: Population for whom poverty status is determined (Summary File 3, PCT049001) and Income in 1999 below poverty level (Summary File 3, PCT049002).

Despite the fact that more current poverty data is available from the US Department of Health and Human Services, the 2000 US Census was used in order to keep the poverty data in sync chronologically with the minority data. This means that Environmental Justice areas will not vary from year to year based on poverty.

Census Block Groups were used because they are the smallest geographic summary areas for which minority and poverty data are available. The advantage of utilizing Block Groups over Census Tracts is that the smaller geographical unit is more effective in identifying concentrations of targeted populations.

Once the EJ populations were identified, the population of the targeted group was compared to the overall population of the entire TwinCATS area. The EJ areas were then mapped along with the 2008-2011 TIP and LRTP projects to determine potential impacts to EJ populations. These maps can be found in Appendix K.

### **Conclusion**

After reviewing the EJ maps with the project locations, it has been determined that there will be no adverse effects on EJ targeted populations and that EJ populations have not been excluded from the benefits to be derived from projects in their area.



## Section V: Contracts

### Assurances

#### **Federal Requirements for Transportation Funding**

The Southwest Michigan Planning Commission (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 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 of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and

HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federally funded programs:

That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23 (b) of the Regulations, will be conducted (with regard to a “program”), or will be operated (with regard to a “facility”) in compliance with all requirements imposed by, or pursuant to, the Regulations.

That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Program, and in adapted form in all proposals for negotiated agreements:

*The Southwest Michigan Planning Commission in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-d4 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 Department of Transportation, and all requirements issued pursuant to such Act, hereby notifies all bidders that minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.*

That the Recipient shall insert clauses of the contract as found in the following "Contract Language" section in every contract subject to the Act and the Regulations.

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.

The Recipient shall provide for such methods of administration for the plan as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such plan will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

The Recipient agrees that the United States has the right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

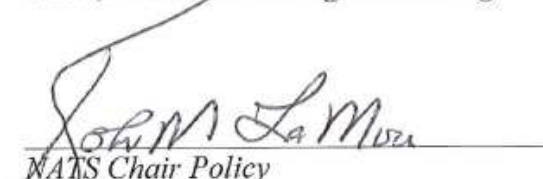
THIS ASSURANCE is given in consideration of and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway or Transit Program, and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

  
K. John Egelhaf  
Executive Director

10-26-11  
Date

  
Linda Preston  
Chair, Southwest Michigan Planning Commission

11-2-11  
Date

  
John M. LaMora  
NATS Chair Policy

11-22-11  
Date

  
Paul J. Gold  
TwinCATS Chair Policy

11/21/11  
Date

## **Contract Language**

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

### **1. Compliance with Regulations**

The contractor shall comply with the regulations relative to non-discrimination 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. Non-discrimination**

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 Appendix B of the Regulations.

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

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 non-discrimination on the ground of race, color, sex, or national origin.

### **4. Information and Reports**

The contractor shall provide all information and reports required by the Regulation or directives issued pursuant thereto, and shall permit access to it books, records, accounts, other sources of information and its facilities as may be determined by the Southwest Michigan Planning Commission, Michigan Department of Transportation 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 Michigan Department of Transportation or the appropriate Federal Agency as needed, and shall set forth what efforts it has made to obtain the information.

### **5. Sanctions for Noncompliance**

In the event of the contractor’s noncompliance with the non-discrimination provisions of this contract, the Southwest Michigan Planning Commission shall impose such contract sanctions as the Michigan Department of Transportation may determine to be appropriate, including, but not limited to:

Withholding of payments to the contractor under contract until the contractor complies, and/or cancellation, termination, or suspension of the contract, in whole or in part.

## **Incorporations of Provisions**

The contractor shall include the provisions of paragraphs (1) through (5), of Section V: Contracts, Contract Language 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 Southwest Michigan Planning Commission, Michigan Department of Transportation or appropriate Federal Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

## Section VI: Limited English Proficiency Plan

The purpose of this Limited English Proficiency Policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C 2000d, et seq., and implementing regulations provided 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.

### Executive Order 13166

Executive Order 13166 “improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents are consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964- National Origin Discrimination against Persons with Limited English Proficiency.” (See 65 FR 20123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English maybe a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Southwest Michigan Planning Commission and government, private and non-profit entities, and sub-recipients.

### Plan Summary

**LEP Coordinator:** K. John Egelhaaf, Executive Director  
185 E. Main St., Suite 701  
Benton Harbor, MI 49022  
Phone: 269-925-1137 x 12  
Fax: 269-925-0288  
Email: [egelhaafj@swmpc.org](mailto:egelhaafj@swmpc.org)

SWMPC has developed this LEP plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to SWMPC services as required by Executive Order 13166. A LEP person is one who does not speak English as their primary language and who has limited ability to read, speak, write or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the extent of obligation for SWMPC to provide LEP services, a U.S. Department of Transportation four factor LEP analysis was undertaken. It considers the following:

1. The number or proportion of LEP persons eligible in SWMPC’s service area who maybe served or likely to encounter a SWMPC program, activity, or services
2. The frequency with which LEP individual come in contact with SWMPC services
3. The nature and importance of the program, activity or service provided by SWMPC to the LEP population
4. The resources available to SWMPC and overall costs to provide LEP assistance

### Four Factor Analysis

1. **Determine the number of LEP persons eligible to be served or likely to be encountered by a program, activity or service**

Counties Served	Total County Populations	Speak a Language Other than English	Speak English less than very well	Speak Only English
Berrien County	156,813	10,812	3,776	141,013
Cass County	52,293	2,023	667	45,973
Van Buren County	76,258	6,304	2,804	64,741
Totals	285,364	19,139	7,247	251,727
<i>Sources</i>	<i>2010 Census</i>	<i>2000 ACS Data</i>		<i>2000 ACS Data</i>

According to the data gathered from the 2000 Census and the 2010 Census we were able to determine that in the service area, 7,247 people identified themselves as not being able to speak English very well. Individuals that identified themselves as Spanish speaking in the service area not being able to speak English “not well” or “not at all” .

- ✓ Berrien County 1,092 people
- ✓ Cass County 204 people
- ✓ Van Buren County 1,307 people

There is sufficient numbers to support offering materials in a second language for all SWMPC activities, especially in the counties of Berrien and Van Buren. SWMPC will do the following:

- If a request is made to make meeting materials available in Spanish 14 business days prior to a meeting-then those meeting materials will be translated into Spanish
- If a request is made at the meeting (the day of the meeting) to provide meeting materials in Spanish, then the SWMPC will have 14 business days to transcribe the meeting materials into Spanish and provide them to the requested party via email or mail. (Note the party requesting materials must provide an email address or mailing address).

2. **Determine the frequency with which LEP persons come in contact with the program**  
SWMPC staff will keep sign in sheets and requests from individuals to provide materials in another language. This will include documenting phone inquiries and verbal inquiries.

3. **Determine the importance of the program, activity or service to people's lives.**  
There currently does exist a population of non-English speaking residents in the SWMPC service area, SWMPC will still provide translation of materials upon request. See Number 1 under Four Factor Analysis.

4. **Determine the resources available and cost.**  
The majority of the SWMPC service area 285,364 people identified themselves as speaking only English (251,727). Those that identified themselves as not speaking English less than very well is a small population of 7,247. The population of those not speaking English less than very well is located in Berrien and Van Buren Counties. If a translator is requested for a public meeting, that request must be made 14 business days prior to the meeting. SWMPC's LEP Coordinator will contact the translator resources listed below and make a request for a translator to be available for the requested meeting. Berrien County and Van Buren County has translator resources at the following locations:

Berrien County

- Andrews University (269) 471-3181 (Berrien Springs)
- Amigos en Accion (269) 461-4181 (Eau Claire)

Van Buren County

- Connie's Translating Service (269) 424-9952 (Hartford)
- Good Samaritan Baptist Church (269) 427-0110 (Lawrence)

## **Language Assistance Measures**

### **Tools for Identifying a LEP Person in need of Language Assistance**

Examine records for any language assistance request from past meetings and events to anticipate the possible need for assistance at upcoming meetings.

- When SWMPC, or one of its programs or activities host meetings, conferences or workshops, a sign in table staffed by SWMPC staff will greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply.
- "I Speak Cards" (Attachment G) will be available at these meetings at the sign in table. While staff may not be able to provide translation assistance at the meeting, the cards are an excellent tool to identify language needs for future meetings. The cards available at the office.
- Instruct all SWMPC staff to report any occurrence where they experienced direct or indirect contact with LEP individuals to the LEP Coordinator.

### **SWMPC LEP Assistance**

SWMPC will offer the following LEP procedures to people who have identified themselves as not speaking English at least "well":

- “I Speak Cards” will be located at the front counter at the SWMPC office located at 185 E. Main St. Suite 701, Benton Harbor, MI 49022. SWMPC will also include “I Speak Cards” in all meeting binders so when SWMPC staff attends meetings the cards will be readily available.
- If a translator is requested for a public meeting, that request must be made 14 business days prior to the meeting. SWMPC’s LEP Coordinator will contact the translator resources listed below and make a request for a translator to be available for the requested meeting.
- If a request is made to make meeting materials available in Spanish 14 business days prior to a meeting-then those meeting materials will be translated into Spanish
- If a request is made at the meeting (the day of the meeting) to provide meeting materials in Spanish, then the SWMPC will have 14 business days to transcribe the meeting materials into Spanish and provide them to the requested party via email or mail. (Note the party requesting materials must provide an email address or mailing address).
- SWMPC website, reading and language translator is currently being developed by the SWMPC’s website host and will be available soon.

### **SWMPC Staff Training**

All SWMPC staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services SWMPC offers;
- Use of LEP “I Speak Cards”;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

### **Outreach Techniques**

The following are options that SWMPC will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or workshops in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agenda will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into **“Documents and meeting materials can be produced in Spanish upon request”**.
- Key printed materials including meeting notices, meeting minutes and meeting documents can be translated into Spanish upon request. This request must be made 14 business days prior to the scheduled meeting or can be made on the date of the scheduled meeting.
- If the request is made on the date of the meeting then SWMPC will have 14 business days to translate all meeting materials into Spanish and email or mail the items to the requested party.



### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and be easily updated. At a minimum, SWMPC will follow the Title VI Program update schedule for the LEP Plan. It is expected that major updates will not occur until the full release of the 2010 Census data or unless SWMPC finds it necessary and critical for an update before such time.

#### **Each update should examine all plan components such as:**

- ✓ How many LEP persons were encountered?
- ✓ Were their needs met?
- ✓ What is the current LEP population in the SWMPC service area?
- ✓ Has there been a change in the types of languages where translation services are needed?
- ✓ Is there still a need for continued language assistance for previously identified SWMPC programs? Are there other programs that should be included?
- ✓ Have available resources, such as technology and staff changed?
- ✓ Has SWMPC fulfilled the goals for the LEP Plan?
- ✓ Were any complaints received?

### **Dissemination of SWMPC Limited English Proficiency Plan**

SWMPC will include the LEP Plan on the website [www.swmpc.org](http://www.swmpc.org), [www.swmpc.org/transportation.asp](http://www.swmpc.org/transportation.asp), together with its Title VI Policy and Complaint Procedures. The SWMPC Notice of Rights under Title VI to the public will be posted in the office and in selected printed materials also refers to the LEP Plan's availability.

Any person, including social service, nonprofit, and law enforcement agencies and other community partners with Internet access will be able to access the plan.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the documents via phone, in person, by mail or email. LEP persons may obtain copies/translation of the plan upon request.

### **LEP Complaint Procedure**

The LEP Complaint Procedure can be found in Section III of this document. Title VI complaints and LEP Complaints will be handled the same way as outlined in Section III of this document. Any questions or comments regarding this plan should be directed to:

**LEP Coordinator:** K. John Egelhaaf, Executive Director  
185 E. Main St., Suite 701  
Benton Harbor, MI 49022  
Phone: 269-925-1137 x 12  
Fax: 269-925-0288  
Email: [egelhaafj@swmpc.org](mailto:egelhaafj@swmpc.org)

# Attachment A: MPO Resolutions of Support for Title VI and LEP Plans

## RESOLUTION

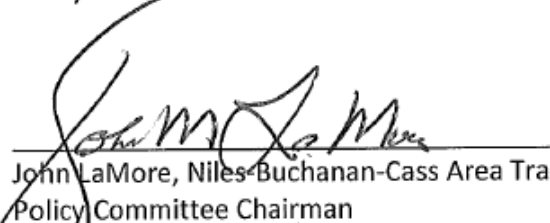
WHEREAS, The Twin Cities Area Transportation Study (TwinCATS) and the Niles-Buchanan-Cass Area Transportation Study (NATS) comprise an MPO of local elected officials and representatives working to meet local transportation needs while responding to shared regional goals, and

WHEREAS, the TwinCATS and NATS MPOs will follow the procedures and policies adopted by the Southwest Michigan Planning Commission's Title VI Non-Discrimination Plan, and

NOW, THEREFORE BE IT RESOLVED, this 21<sup>st</sup> and 22<sup>nd</sup> day of November, 2011, that the Twin Cities Area Transportation Study and Niles-Buchanan-Cass Area Transportation Study Policy Committees hereby support the implementation of the Southwest Michigan Planning Commission's Title VI Non-Discrimination Plan for any and all aspects of the Metropolitan Planning process.

  
\_\_\_\_\_  
Bob Judd, Twin Cities Area Transportation Study  
Policy Committee Chairman

11/21/11  
Date

  
\_\_\_\_\_  
John LaMore, Niles-Buchanan-Cass Area Transportation Study  
Policy Committee Chairman

11-22-11  
Date

## **Attachment B: SWMPC Title VI and LEP Employee Training Form**

I \_\_\_\_\_(insert name) have received a copy of the SWMPC Title VI Plan and Limited English Proficiency Plan. I have had training on the Title VI Plan and LEP Plan contents and what is required to meet the SWMPC Title VI Plan benchmarks. SWMPC Title VI Coordinator K. John Egelhaaf provided training to me on \_\_\_\_\_ (insert date). I also acknowledge that I have a copy of the Title VI Plan and LEP Plan in my employee manual.

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Print name here**

**Sign:** \_\_\_\_\_

## Attachment C: SWMPC 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, sex, disability, creed, or age shall be excluded from participation in, be denied benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

### SWMPC Complaint Procedures

- Complaint forms are available from the website and in the reception area of the office.
- Form must be signed by the complainant or legal representative.
- Assistance may be given by staff or other available individual in filling out form.
- Original signed form must be sent to SWMPC Office -- mailed or hand delivered.
- *The original of a form faxed or submitted electronically must still be provided.*
- Original signed form must be delivered to the SWMPC Title VI Coordinator.
- A copy will be filed in the Southwest Michigan Planning Commission Title VI Complaint binder in the reception area. Copies of related materials will be attached as produced. Electronic copies will be made and saved within the main SWMPC electronic storage. Either of these filings will be available upon request. A summary of complaints received will be compiled annually and included in any required reports.
- A copy of the signed form will be sent to the appropriate primary funding source's Civil Rights office within 10 business days.
- A letter of acknowledgment will be sent to the complainant within 10 business days.
- Response from the investigative agency will be provided to the complainant. Any action directed by that agency will be implemented.
- Appeals will be available according to the primary funding source's regulations.

If you feel you have been discriminated against in any service provided by the Southwest Michigan Planning Commission (SWMPC or "Commission") or any program or activity under the jurisdiction of the Commission, such as, but not limited to, Twin Cities Area Transportation Study (TwinCATS), Niles/Buchanan/Cass Area Transportation Study (NATS), please provide the following information in order to assist us in processing your complaint. Your signed report will be sent to the appropriate primary funding source's Civil Rights office.

### PLEASE PRINT CLEARLY

\*NAME \_\_\_\_\_  
(Person making complaint)

\*ADDRESS \_\_\_\_\_

\_\_\_\_\_  
*Please include city, state and ZIP code*

Telephone number:

\_\_\_\_\_ (home) \_\_\_\_\_ (cell) \_\_\_\_\_ (other)

**Complaint Information**

Person(s) discriminated against: \_\_\_\_\_  
\_\_\_\_\_

Address of person(s) discriminated against \_\_\_\_\_  
\_\_\_\_\_

*Please include city, state and ZIP code*

Please indicate what you believe to be the basis of the discrimination:

\_\_\_ race or color                      \_\_\_ national origin                      \_\_\_ disability

\_\_\_ sex                      \_\_\_ creed                      \_\_\_ age

Other \_\_\_\_\_

Date(s) of alleged discrimination \_\_\_\_\_  
\_\_\_\_\_

Location of the alleged discrimination \_\_\_\_\_  
\_\_\_\_\_

*Please include city, state and ZIP code*

Please describe circumstances as you saw it \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Attach additional sheets if needed*

**Complaint Information** *continued*

Please list any and all witnesses' names, addresses or other reliable contact information:

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*Attach additional sheets if needed*

Please list any actions you may have taken before submitting this form to bring the problem to the attention of SWMPC

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*Attach additional sheets if needed*

Corrective action suggested \_\_\_\_\_

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Please attach any supportive documents or additional material.

\*SIGN and date this form, and send to:

Mr. K. John Egelhaaf, Executive Director  
Southwest Michigan Planning Commission  
185 East Main Street, Suite 701  
Benton Harbor, MI 49022

\_\_\_\_\_  
*\*your signature*

**REQUIRED**

\_\_\_\_\_  
*date*

\_\_\_\_\_  
*print your name*

**\*REQUIRED** [submission by fax or any electronic means must still provide original document with signature]

For SWMPC office use only

Date arrived \_\_\_\_\_

By: US Postal System \_\_\_ Personal delivery \_\_\_ other \_\_\_\_\_

Signed yes \_\_\_ no \_\_\_

Date acknowledgment sent \_\_\_\_\_

Date sent to primary funding source CR office \_\_\_\_\_

List all other related materials and dates received:

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## **Attachment D: Michigan Department of Transportation's Procedure for Title VI Complaints**

Procedures for a complaint forwarded to the MDOT EEO Officer/Title VI Coordinator:

- a. When the complaint is forwarded to Michigan Department of Transportation Office of Equal Opportunity, the Title VI Coordinator will notify the individual, group of individuals or entity that believes they have been subjected to discrimination within ten calendar days.
- b. Upon receipt of any complaint, the Title VI Coordinator will keep record of all correspondence received regarding that complaint.
- c. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator. The Title VI Coordinator will discuss the recommendations with SWMPC's Executive Director.
- d. Once SWMPC is notified of Michigan Department of Transportation Office of Equal Opportunity investigative report findings, SWMPC will adopt a final resolution.
- e. SWMPC, the complainant, FHWA and any other appropriate party will be properly notified of the outcome and appeal rights of the Michigan Department of Transportation Office of Equal Opportunity report.
- f. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), s/he shall be advised of their rights to appeal MDOT Title VI Coordinator's decision. Appeals must be filed within 180 days after notification of the final resolution. Unless new facts not previously considered come to light, reconsideration of this determination will not be available.



## **Attachment E: Primary Funding Source Title VI Coordinator Contact Information**

### **State of Michigan Department of Transportation**

Cheryl J. Hudson  
Equal Employment Opportunity Officer/Title VI Coordinator  
425 West Ottawa  
Lansing, Michigan 48909  
(517) 373-0980 - Work  
(517) 243-2802 - Cell  
(517) 373-8841 - Fax  
Website: [www.michigan.gov/titlevi](http://www.michigan.gov/titlevi)

### **OTHER SWMPC FUNDING SOURCES**

#### **Environmental Protection Agency**

Office of Civil Rights  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
Phone: (312) 353-2000  
Fax: (312) 353-4135  
Toll free within Region 5: (800) 621-8431

#### **Federal Transit Administration (FTA Region 5)**

[http://www.fta.dot.gov/documents/Org\\_Chart.pdf](http://www.fta.dot.gov/documents/Org_Chart.pdf)  
U.S. Department of Transportation  
Federal Transit Administration  
Region V  
Regional Civil Rights Officer  
Erick Allen (312-353-3855)

#### **Federal Highway Administration (FHWA)**

Mary Finch – Civil Rights Specialist  
Phone: (517) 702 – 1853  
email: [Mary.Finch@dot.gov](mailto:Mary.Finch@dot.gov)

# Attachment F: MDOT Title VI Sub-Recipient Annual Certification Form (Form #0179)

This form contains interactive and dynamic features such as expandable text options. Users need Adobe 6.02 or newer to use these features

Michigan Department  
of Transportation  
0179 (07/11)

## TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM

Page 1 of 2

This form is to certify compliance with Title VI of the Civil Rights Act of 1964. If your Title VI Plan has been approved by the Michigan Department of Transportation (MDOT), all changes to the organization's Title VI Plan which occurred during the current fiscal year (October 1 thru September 30) must be reported on this form. Please attach additional pages, as necessary, to provide a complete response to each question.

NAME OF ORGANIZATION Southwest Michigan Planning Commission			
NAME OF TITLE VI COORDINATOR K. John Egelhaaf		TITLE Executive Director	
ADDRESS 185 E. Main St., Suite 701			
CITY Benton Harbor	COUNTY Berrien	STATE MI	ZIP CODE 49022
TELEPHONE NO. (269) 925-1137	FAX NO. (269) 925-0288	E-MAIL ADDRESS egelhaafj@swmpc.org	
1. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator/EEO Officer.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
K. John Egelhaaf, Executive Director			
2. Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to and involvement in the development process?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Transportation Planning Projects, Please see attached.			
3. What is the number or percentage of LEP or EJ populations who were affected by the project?		Please see attached.	
4. How many public involvement meetings did you hold during the reporting period?		25	
5. Did you provide language assistance at any of your public meetings during the reporting period? How many persons received this assistance?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
No requests were made during the FY 2010.			
6. Did you provide reasonable accommodation to persons with disabilities during the reporting period? How many?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Yes, in the selection of meeting locations and times. No specific requests were made during the reporting time.			
7. Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please provide details regarding each complaint or law suit and the resolution.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
8. How many contracts did you enter into with Disadvantaged Business Enterprises during the reporting period? If none, what did you do to encourage participation by DBEs?			
None. We created the first SWMPC Title VI Non-Discrimination Plan that addresses how we will try to engage more with DBE businesses through contracts with outside entities and making this a goal for the organization.			
9. During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities.			
We were in the plan development process along with approval of the plan. The education will occur in the first quarter of FY 2012.			
10. Please provide any comments or additional information related to the organization's Title VI Plan.			
This plan was formalized and created during FY 2010, and will be approved and implemented during the first quarter of FY 2012.			
The information reported on this form is accurate and reflects all changes to the organization's Title VI Plan for the current fiscal year.			
NAME K. John Egelhaaf		TITLE Executive Director	DATE 11/18/2011

Michigan Department of Transportation  
 Title VI-Non-Discrimination  
 FY 2011 Form Report (Form # 0179)  
 Supplemental Questions Sheet  
 Southwest Michigan Planning Commission  
 FY 2011

**2. Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to an involvement in the development process?**

*SWMPC Response:*

*a. Yes, the Southwest Michigan Planning Commission has had project that have Title VI, LEP, or EJ impacts.*

*b. The total number of projects would be 4. The major work projects that were undertaken during the reporting year are updates to the 1). Transportation Improvement Program (TIP) in the Twin Cities Area Transportation Study (TwinCATS) and the Niles-Buchanan-Cass Area Transportation Study (NATS); 2). Monthly TwinCATS and NATS meetings; 3). The creation and implementation of the FY 2012 Unified Work Program; 4).The drafting and implementation of the TwinCATS Walk and Roll Plan.*

*c. SWMPC initiated the following to ensure that the affected populations had meaningful access in the process by the following means:*

- *Legal advertising of public meetings (when required)*
- *Press releases for all public input opportunities*
- *Monthly email reminders regarding monthly scheduled meetings and outreach opportunities*
- *Posting of meeting and input sessions on SWMPC Facebook page, TwinCATS and NATS websites, SWMPC Calendar of Events website*
- *Targeted mailings to affected communities regarding projects and input opportunities*
- *Conduct surveys (TwinCATS Walk and Roll Plan)*
- *Posting documents on SWMPC website, TwinCATS and NATS websites, Links on SWMPC Facebook page*
- *Selected meeting locations that were accessible by walking, bike riding, and transit and selected times that allowed for attendees to participate either during the day or evening*
- *The SWMPC Transportation Participation Plan also outlines the various methods of outreach and communication that SWMPC Transportation Planners use*

**3. What is the number or percentage of LEP or EJ populations who were affected by the project?**

<i>Counties Served</i>	<i>Total County Populations</i>	<i>Speak a Language Other than English</i>	<i>Speak English less than very well</i>	<i>Speak Only English</i>

<i>Berrien County</i>	<i>156,813</i>	<i>10,812</i>	<i>3,776</i>	<i>141,013</i>
<i>Cass County</i>	<i>52,293</i>	<i>2,023</i>	<i>667</i>	<i>45,973</i>
<i>Van Buren County</i>	<i>76,258</i>	<i>6,304</i>	<i>2,804</i>	<i>64,741</i>
<i>Totals</i>	<i>285,364</i>	<i>19,139</i>	<i>7,247</i>	<i>251,727</i>
<i>Sources</i>	<i>2010 Census</i>	<i>2000 ACS Data</i>		<i>2000 ACS Data</i>

*According to the data gathered from the 2000 Census and the 2010 Census we were able to determine that in the service area, 7,247 people identified themselves as not being able to speak English very well. Individuals that identified themselves as Spanish speaking in the service area not being able to speak English “not well” or “not at all” .*

- ✓ Berrien County 1,092 people*
- ✓ Cass County 204 people*
- ✓ Van Buren County 1,307 people*

**4. How many public involvement meetings did you hold during the reporting year?**

*SWMPC Response: 7 regularly scheduled meetings for the TwinCATS and NATS Committees, 4 SWMPC Board Meetings, 4 separate input meetings regarding the TwinCATS Walk and Roll Plan, Transportation Funding 101 Workshop, Transportation and the Environment Workshop, US Bicycle Route 35 public input meeting.*

## Attachment G: "I Speak Card"

2004 Census Test	United States Census 2010
<b>LANGUAGE IDENTIFICATION FLASHCARD</b>	
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Նշանակե՛ք հանրահայտը ու յայտարարե՛ք, եթե կարդա՛լիք կամ կարգադրե՛ք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាច ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ñntòngnu' manaitai pat ñntòngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

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<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を讀んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ທ່ານໃສ່ຂໍ້ຄວບຄືມຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

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<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратикћ уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ทำเครื่องหมายในช่องนี้ถ้าคุณอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

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