

UNIFIED  
WORK  
PROGRAM

FY2020

West Michigan Metropolitan  
Transportation Planning  
Program

West Michigan Shoreline Regional Development Commission  
(WMSRDC)

**May 2019**

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## **I. INTRODUCTION**

The Unified Planning Work Program (UWP) for the West Michigan Metropolitan Transportation Planning Program (WestPlan), hereafter referred to as WestPlan, is an outline of the activities and budgets for the October 1, 2019 through September 30, 2020 fiscal year, hereinafter referred to as FY20. The UWP identifies the various transportation planning activities that are to be undertaken and the estimated budget and schedule for each work item. The UWP identifies the agency or agencies responsible for each work item and the distribution of funding and expenditures among those various agencies.

Separate budget and/or work program documents are prepared annually for local projects involving statewide SPR funds, 49 U.S.C. §5303 funds, 49 U.S.C. §5307 funds, 49 U.S.C. §5313(b) funds, and the CMAQ (Clean Air Action Program) funds. Those documents form the basis of funding approval for those funds.

The UWP has been developed by the West Michigan Shoreline Regional Development Commission staff based on continuing studies, the status of activities in the present UWP, and input from the participating agencies and committees. Each year the UWP will be based upon the needs identified in the current WestPlan Long-Range Transportation Plan, and will describe activities that will bring about achievement of the goals and objectives identified in the long-range plan. All activities and products identified in this document will be managed or completed by Commission staff. In certain instances, such as the Traffic Count Program, Commission staff will manage the project, but contract the physical work to a private consultant.

The UWP is reviewed and approved by the WestPlan MPO Policy Committee. The UWP is then reviewed by The Michigan Department of Transportation (MDOT), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The final document is developed in consideration of state and federal comments, as well as public input.

Activities outlined in the current UWP (FY2019) have been completed or are continuing programs that carry over to future years. Any item that has not been completed will be identified under that section.

### **Disclaimer Statement**

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policies of the U.S. Department of Transportation.

## **Previous Work Completed**

Commission staff assisted with the Jobnet transition from E-file to the new online database. This process included migrating all of the current MPO transportation projects. These include; highway, transit and non-motorized, federally funded projects. This transition also included attending many sub-committee meetings and training sessions hosted by MDOT throughout the year. The Jobnet Transition included programming jobs for both the FY2017-2020 and the FY2020-2023 TIP documents.

During FY2019, as of the date of the writing of this document, Commission staff has processed three amendments to the FY2017-2020 Transportation Improvement Program.

Commission staff has prepared minutes, agenda items and meeting materials for all FY2019 MPO Technical and Policy Committee meetings. Commission staff worked closely with the Chairpersons from the MPO Technical and Policy Committees to put agendas together and to help run the meetings.

Commission staff worked with local road agencies and Statewide Urban Travel Analysis (SUTA) to update data for modeling related to the 2045 Long Range Plan update.

Commission staff managed the Traffic Count Program and worked with a consultant to get counts, including classification counts, and update the web based database.

Commission staff rated Federal Aid Roads in (6) counties for the Transportation Asset Management Council.

Commission staff worked with MDOT and two other MPO's to continue development of a region wide trail way finding plan for West Michigan.

Commission staff followed the Public Participation Plan for the MPO related meetings.

Commission staff participated in the Michigan Transportation Planning Association meetings and subcommittees.

Commission staff worked with local, state and federal agencies to comply with Performance Measure Standards as required by federal law.

Commission staff worked with local transit agencies to assist with various activities including applications and project amendments.

Commission staff worked with local and state road agencies to plan for a non-motorized transportation network in West Michigan, the Fred Meijer Berry Junction trail was completed and several other trails are being planned.

Commission staff worked with federal, state and local partners to begin development of the new FY2020-2023 TIP. A project list for highway and transit projects was created and approved at the MPO meetings and has been reviewed for Air Quality Conformity.

Commission staff participated in several MITC-IAWG meetings along with the Grand Rapids and Holland MPO's.

## II. METROPOLITAN AREA TRANSPORTATION ISSUES

MDOT and the local Metropolitan Planning Organizations (MPO's) have worked together with the federal transportation agencies to provide a continuing, comprehensive, and cooperative planning process. A successful planning program requires continuous review from federal, state, and local agencies and is an ongoing process. The statewide efforts involved in this review are discussed here, as are the efforts of the MPO to implement portions of the planning process.

The process of redefining the roles, responsibilities, and expectations of all parties is continually addressed through the Michigan Transportation Planner's Association (MTPA). This Association, encompassing all of the Michigan MPOs, MDOT, FHWA, FTA, OHSP, and EGGLE, has served as the venue for discussion.

The MPO will continue implementing the elements of the planning process in an orderly way over the course of the coming years. Specifics of the MPO implementation steps and anticipated areas of focus are discussed here. These areas will be customized, as they develop, in order to work within the MPO program.

**Data and Tools:** Commission staff continues to work with MDOT, local municipalities, and local transit providers to implement Intelligent Transportation Strategies (ITS) into planning and design of future transportation projects. Transit fleets are being equipped with the latest in technology which helps provide efficient and accurate service to the users of their service. Road agencies are addressing congestion issues with signal upgrade and optimization projects. MDOT has implemented many ITS related projects along the I-96 and US-31 corridors and connecting trunkline routes. Electronic signs along US-31 and I-96 provide information to travelers about current conditions and alternate routes to use in cases of traffic backups. This information is crucial in Northern Ottawa County where the US-31 Draw Bridge is opened periodically throughout the summer to allow boat traffic to move up and down the Grand River.

**Needs Identification:** The program will continue to utilize data and analysis tools to support the identification of needs and local decision making. This will improve the needs-based process of planning, and help to determine problem areas in the system. However, it is also realized that not all decisions can be made solely on the results of a computer model or a set of management tools. Additional options will remain available for local communities to determine local priorities.

**Project Selection Criteria:** Each agency uses a multitude of data and different criteria to come up

with the highest priority projects for each individual road agency. As projects are submitted by local agencies for consideration in the planning process, MPO Committees work together to analyze the projects and collectively select projects to improve and enhance the transportation network in the region. Efforts will be made to develop a process which is initially objective at the staff level, but which can be prioritized at the committees based on local priorities and agency input. Commission staff will continue to work with road agencies in FY2020 to discuss and develop a comprehensive set of criteria that will help in the project selection process.

**Financial Plan:** Future revenue estimates are developed with guidance from state and federal agencies. While past projections were focused primarily on federal funds, future efforts will consider the incorporation of state and local sources as well. The financial plan will continue to be developed within the identified constraint. Constraint numbers are based on federal and state revenue estimates.

**Public Involvement:** Commission staff will work to implement the Public Participation Plan for transportation Decision Making. Commission staff is continuing its efforts to increase opportunities for the public and transportation interest groups to have access to the transportation planning process. Through these efforts, opportunities for public involvement and all meetings are posted to the WMSRDC website and on social media. The public may comment regarding all aspects of transportation planning.

**Long-Range Planning:** Commission staff has started the process of updating the MPO Long Range Plan for the Muskegon/Northern Ottawa area. The plan is used as a guideline for transportation decisions in the MPO area. The last update was completed in FY2015. Commission staff will work closely with MPO committee members and MDOT staff to develop data and information needed for the update. Commission staff will also continue to monitor and update the current plan as needed. A new Plan will be adopted in FY2020, as staff is currently working with MPO members and the SUTA team at MDOT to update key model data.

**Transportation Improvement Program Development:** The Transportation Improvement Program (TIP) is the project-specific programming document from which transportation projects are selected for funding. The TIP project lists are created and updated in the electronic format that was adopted statewide to ease the process. Currently, the MPO is working under the FY2017-2020 TIP. The TIP will continue to include planning process changes in the future, which will include Transportation Performance Based Planning requirements. The TIP is a “living” document, which is continually updated. The current document has been amended several times, with many administrative adjustments as well, which is common. Commission staff expects the FY2020-2023 TIP to be adopted in May of 2019.

**Development of Milestones:** Continued progress will be made by the MPO to set and achieve reasonable milestones in the implementation of the planning process. As customization of the planning process continues to occur in the Muskegon/Northern Ottawa area, the direction of these milestones will become more apparent. The milestones will be primarily developed, monitored, and utilized by staff of the MPO to manage implementation of the process.

**Performance Based Planning:** A key feature of the Fixing America’s Surface Transportation (FAST) Act of December, 2015 is the establishment of a performance and outcome based program,

originally introduced through the Moving Ahead for Progress in the 21st Century (MAP-21) Act. The objective of a performance based program is for states and MPOs to invest resources in projects that collectively will make progress toward the achievement of nationally set goals. 23 CFR 490 outlines the national performance goals for the federal-aid highway program required to be established in seven (7) areas: safety, infrastructure condition, congestion reduction, system reliability, freight movement, environmental sustainability, and reduced project delivery delay.

Within one year of the U.S. Department of Transportation final rules on performance measures, States are required to set performance targets in support of these measures. Within 180 days of the state setting targets, MPOs are then required to choose to support the statewide targets, or optionally set their own targets. To ensure consistency, each MPO must, to the maximum extent practicable, coordinate with the relevant State and public transportation providers when setting performance targets. Any new TIP document or amendment must comply with performance reporting requirements.

The regulations required the U.S. Department of Transportation/Federal Highway Administration to establish final rules on performance measures to address the seven areas in the legislation, resulting in the following areas being identified as measures for the system:

- pavement condition on the Interstate system and on the remainder of the National Highway System (NHS)
- performance (system reliability) of the Interstate system and the remainder of the NHS
- bridge condition on the NHS
- fatalities and serious injuries, both number and rate per vehicle mile traveled, on all public roads, as well as bicycle and pedestrian fatalities and serious injuries
- traffic congestion
- on-road mobile source emissions
- freight movement on the Interstate system

In addition, the Federal Transit Administration (FTA) was charged with developing a rule establishing a strategic and systematic process of operating, maintaining, and improving public capital assets effectively through their life cycle. The Transit Asset Management Final Rule 49 CFR part 625 became effective October 1, 2016 and established four performance measures.

Commission staff will continue to work closely with federal and state partners, as well as the MPO Technical and Policy Committees to review and update targets and measures for the TIP and LRP documents. With federal guidance, and discussions with other state and local agencies, Commission staff will continue to work toward developing achievable performance measures that will help with planning for current and future transportation needs in the metropolitan area, as well as satisfy federal requirements. As methods and guidelines are developed, staff will monitor and track changes and successes. Commission staff will continue to work with other MPO's throughout the state to address requirements and develop strategies to incorporate the performance based planning in to the MPO process.

### **III. PROGRAM MANAGEMENT, ADMINISTRATION, AND ASSISTANCE TO MDOT**

#### ***Objective***

To provide effective management, coordination, and monitoring of the MPO, including the provision of program and financial status accounts which satisfy the requirements of the West Michigan Shoreline Regional Development Commission (WMSRDC) and MDOT, and to assure a continuing and comprehensive transportation planning process carried out cooperatively by state and the local communities. (Ongoing activity)

#### ***Activities***

1. Program and staff supervision and coordination to include work scheduling; review of administrative documents and procedures; periodic progress review; and staff selection, monitoring, and training.
2. Staff support for Technical and Policy Committees to include preparation of meeting agendas and other arrangements, meeting presentations on applicable transportation planning matters, and the preparation and distribution of meeting minutes.
3. Prepare monthly work program status reports for the funded portions of the work program.
4. Prepare invoices for payment to WMSRDC, at least quarterly, from the funding source per the contract agreements.  
NOTE: The Agency shall monitor expenditures. Where costs are anticipated to exceed the budget of work items, the Agency shall submit a request for a budget amendment. The proposed amendment shall show the current budget, proposed budget, and change amount for each budgeted work item.
5. Prepare an annual Final Acceptance Report (FAR) on the status of the work items in the work program.
6. Assist the auditors in carrying out general and specific audits of programs.
7. Public involvement and participation in local committees and task forces, as necessary, to promote the continuing, comprehensive, and cooperative multi-modal transportation planning process and to provide necessary technical assistance.
8. Participation in monthly meetings of the statewide MTPA, and subcommittees, as the representative of the MPO.
9. Prepare the UWP for project activities for FY2021.
10. Process any amendments which may be necessary for the FY2020 UWP.
11. Attend training sessions for new skills to assist the MDOT in implementing the requirements of Title 23 CFR §450.

12. Work with MDOT, FHWA, MTPA, FTA, and other agencies on the continuing development of a new planning and programming process. Customize and implement portions of the new planning process as appropriate for the area.

***Products***

1. FY2021 UWP (*West Michigan Metropolitan Transportation Planning Program*), October 1, 2020 through September 30, 2021 report (to MDOT on or about June 1, 2020).
2. *Final Acceptance Report* (FAR) Complete a summary on the status of activities and products in the work program. The FAR shall do the following:
  - a. Cover the fiscal year just ended.
  - b. Be a performance evaluation, not a financial audit.
  - c. Indicate the following for each work item:
    - Whether stipulated products were indeed produced;
    - The amount of funds budgeted and expended;
    - Whether the work item was completed (if not, then its status);
    - If the work item is to be continued next year.
  - d. If not already submitted, include attachments consisting of major products developed.
  - e. Be submitted to MDOT for review, comments, and approval.
3. Agenda & Meeting Minutes as well as associated documents for the MPO Policy Committee.
4. Agenda & Meeting Minutes as well as associated documents for the MPO Technical Committee.
5. The following will be submitted, at least quarterly, to MDOT by WMSRDC for reimbursement of costs incurred in conjunction with the MPO:
  - a. Disbursement Voucher (at least quarterly).
  - b. Itemization of Program Expenses (in terms of work items and cost groups, including charges to direct salaries, other direct costs, fringe benefits, and indirect costs).
  - c. Tabulations of Progress (by work item, indicating the percent completed and the amount billed in both the current period and to date).
  - d. Progress Report (brief, but sufficiently detailed, narrative summaries of the nature of activities, results, and products).
6. Amendments to the current UWP (FY2020) as needed.

	<u>Revenue:</u>	<u>Expenditures:</u>
<b>FHWA</b>	<b>\$30,280</b>	<b>\$30,280</b>
<b>FTA</b>	<b>\$2,282</b>	<b>\$2,282</b>
<b>Local</b>	<b><u>\$7,221</u></b>	<b><u>\$7,221</u></b>
<b><u>MPO Budget:</u></b>	<b>\$39,783</b>	<b>\$39,783</b>

## IV. METROPOLITAN PLANNING DATA ASSISTANCE

### A. Air Quality Planning:

#### ***Objective:***

The Clean Air Act Amendments of 1990 (CAAA) established the mandate for better coordination between air quality and transportation planning. The CAAA requires that all transportation plans and transportation investments in non-attainment and maintenance areas be subject to an air quality conformity determination. The purpose of such determination is to demonstrate that the Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP) conform to the intent and purpose of the State Implementation Plan (SIP). The intent of the SIP is to achieve and maintain clean air and meet National Ambient Air Quality Standards (NAAQS). Therefore, for WestPlan, which includes a non-attainment area, the LRTP and the TIP must demonstrate that the implementation of projects in the WestPlan MPO does not result in greater mobile source emissions than the emissions budget.

On October 1, 2015 the United States Environmental Protection Agency (EPA) set the primary and secondary national ambient air quality standard (NAAQS) for ground-level ozone at 70 parts per billion (or 0.070 parts per million). A portion of WestPlan, (part of Muskegon County) was designated nonattainment therefore requiring WestPlan to conform existing and future LRTPs and TIPs. For clarification, parts of Muskegon County are designated non- attainment while northern Ottawa County is designated attainment.

#### ***Activities:***

WestPlan will work with and assist MDOT, or conduct on our own, Michigan Transportation Conformity -Interagency Workgroups (MITC-IAWG) and develop regional transportation conformity analysis to ensure projects are consistent with the SIP.

On April 23, 2018, because of the court case, *South Coast Air Quality Management District v. EPA* (US Environmental Protection Agency) FHWA began requiring WestPlan and other areas in Michigan that were maintenance areas for the 1997 ozone standard to conduct conformity for amendments to TIPs and LRTPs if they contain non-exempt projects. This was later changed to give MPO's until February 16, 2019 to have a conformity analysis in place. To this end WestPlan has been and will continue to work with MDOT and neighboring MPOs to conduct conformity analysis through the MITC-IAWG.

#### ***Products:***

- Develop project lists to be submitted to MITC-IAWG
- Participate in, and if appropriate conduct, MITC-IAWG
- Provide assistance, or if appropriate conduct and develop, regional transportation conformity analysis and document
- Facilitate conformity analysis through committee process
- Participate in efforts to ensure regionally significant projects are reviewed

- Conduct public participation for conformity analysis determination

## **B. Highway Performance Monitoring System (HPMS)**

### ***Objective:***

Assist MDOT and FHWA by updating sample segment data in accordance with HPMS, TMG (Traffic Monitoring Guide), and AASHTO guidelines, as provided by MDOT.

### ***Activities:***

Collect, update, and submit data items for HPMS in conjunction with MDOT's HPMS coordinator. Staff will review and update the HPMS database sample segments using MDOT supplied spreadsheets that contain only the data items needing to be updated for each sample in the format provided. Commission staff will continue to participate in HPMS training workshops and meetings as they become available.

The FAST-Act is transitioning transportation agencies to be more performance oriented which means additional requirements to collect data and to standardize data to support national performance measures. An element of the legislation is the Model Inventory Roadway Elements (MIRE) Fundamental Data Elements (FDE), which is a required inventory of extensive roadway features and traffic data elements important to safety management, analysis, and decision making.

Participate and provide support to MDOT in any of their planning efforts for MIRE FDE data collection. This is a precursor to the MIRE FDE data collection using Roadsoft and other tools. Other tools include: a web application for agencies that do not use Roadsoft and a web MIRE FDE reporting tool.

### **Data collection for federal reporting:**

Provide support to MDOT in the cross agency coordination effort to plan for, gather, and report roadway characteristics on the non MDOT road network (federal aid and non-federal aid) to meet federal reporting requirements of Highway Performance Monitoring System (HPMS) as outlined in the Fixing America's Surface Transportation Act (FAST-Act).

Support is defined as (but not limited to):

- Outreach
- Training and education
- Data coordination with Local agencies
- Data compilation
- Data load, transfer, and/or reporting (Conduit between local agencies and MDOT/FHWA)

### ***Products***

1. Current and Future AADT estimates (and a description of the process used).
2. Commercial estimates of single-unit and multi-unit vehicles.
3. Roadway condition and inventory information (based on visual review).

### **C. Metropolitan Traffic Counting Program**

#### ***Objective:***

To continue updating traffic volume data and determining Annual Average Daily Traffic (AADT) for strategic locations within the Metropolitan Area, to assist the Michigan Department of Transportation in obtaining supplemental counts. New counts will continue to be focused on federal aid roads. The counts will be collected by an outside consultant, but the project will be managed by Commission staff. (Ongoing Program)

This work will directly benefit MDOT and other local agencies, as it ties directly to other transportation activities performed for MDOT, such as:

1. The HPMS Update, the Needs Study Assistance, and MDOT's Statewide 2300 Zone System Update work items and other projects that utilize modeling analysis.
2. Fulfilling FAST-ACT requirements.
3. Socio-economic data updates and analysis.
4. Traffic counts are used in Travel Demand Model validation processes.

Traffic data has long been recognized as a primary tool for identifying economic growth areas. As such, this work will also benefit the jurisdictions of the Metropolitan Area and the regional agency by making frequently requested traffic information available to public and private agencies, as well as MDOT. All new counts will be available online through the Commission's cloud based traffic counting system. In addition to the traditional location counts, the MPO will be undertaking a number of classification counts. These classification count locations have been selected with input from MDOT. This provides the opportunity for attracting additional growth, and a better-planned environment, while providing supplemental data to MDOT for its various programs.

#### ***Products***

1. Updated and improved Metropolitan Area off-trunkline system count program in coordination with local jurisdictions (county road commissions and communities), and with MDOT. The system will conduct traffic counts on an annual basis.
2. Maintain detailed interactive web based traffic count database on the WMSRDC web page. This includes placing the data on the cloud based system which is updated and maintained by WMSRDC.
3. Develop ongoing traffic count system and program to help MDOT accurately model the transportation system in the WestPlan area. Coordination with MDOT to determine which

locations will best benefit the model for the MPO area. MPO Staff will collect traffic counts at approximately 100 locations. 15 - 20 of these will be traffic counts by vehicle class as per request by MDOT staff.

#### **D. Public Involvement and Local Technical Assistance**

##### ***Objective:***

Assist MDOT in providing the public an opportunity to review and comment on the Statewide Transportation Plan and STIP as required by Title 23 CFR §450. Provide for public involvement in the transportation planning process as it corresponds with the West Michigan Metropolitan Transportation Planning Program Participation and Consultation Plan. Provide technical assistance as requested by the public and local agencies and units of government. (Ongoing activity)

##### ***Activities:***

1. Annually update and maintain a contact list of those persons and organizations within the Metropolitan Area who are in some way interested in, or exert some influence on, transportation issues of all modes. Utilize this contact list for garnering public involvement in the transportation planning process for the WestPlan MPO.
2. Attend and report on activities of appropriate meetings of transportation related interests, and assisting in arranging, hosting, and conducting meetings as MDOT's representative in the metropolitan area, as they relate to the interests of this work program.
3. Inform public of meetings of the MPO and any other meetings related to the planning process and allow opportunity for public comment. This process is more detailed in the Participation and Consultation Plan.
4. Provide information to the public concerning the planning process.
5. Provide traffic counts, census information, and other technical assistance to the public, local agencies, and local units of government upon request.
6. Assist local units of government in technical aspects of grant applications, project submittal, project tracking, data collection, and other items as requested.

##### ***Products:***

1. Maintain and utilize an up-to-date contact list. This mailing list and email distribution list will be submitted to MDOT upon request and is used regularly by WestPlan.

2. Maintain the WMSRDC website where meeting dates and available reports, studies, and plans for review are prominently displayed. The WMSRDC website prominently shows upcoming meeting dates on the homepage and includes graphics or interactive maps that coincide with projects such as the TIP, LRP, or asset management.
3. Ensure up-to-date traffic data is available to interested parties via WMSRDC website and upon request. WestPlan contracts with a consultant that specializes in databases to allow the user better access to traffic counts available in the MPO via the WMSRDC website.
4. Maintain and update the West Michigan Metropolitan Transportation Planning Program Participation and Consultation Plan. The plan was revised in FY18 and is reviewed by staff annually to ensure effectiveness.
5. Disseminate census and other demographic data to interested parties via WMSRDC website and upon request.
6. Work with the U.S. Census Bureau on activities related to the 2020 Decennial Census.

#### **E. Geographic Information Systems (GIS) Data Service**

##### ***Objective:***

To provide Geographic Information Systems (GIS) mapping and data services to MDOT, FHWA and Local Road Agencies. Many of the current transportation programs utilize this type of service. (Ongoing activity)

##### ***Activities:***

1. Create GIS data specific to LRP, TIP, traffic counts, PASER ratings, and non-motorized projects.
2. Create digital and physical maps with unique GIS data for all projects, planning and local jurisdiction consumption.
3. Create online maps for use in the field and public consumption of all projects.
4. Attend PASER rating training and collect Asset Management data and perform analysis.
5. Perform Environmental Justice Analysis for Long Range Plan and TIP Projects.
6. Provide Environmental Mitigation Analysis for the Long Range Plan.
7. Work with our Environmental Program Manager for Environmental Mitigation Analysis for LRP.
8. Edit and update stored GIS data for dissemination upon project changes.
9. GIS data, mapping and planning work for special projects such as non-motorized projects and West Michigan Pike.
10. Coordinate and work in conjunction with local County GIS departments to share, edit and store GIS data.

##### ***Products:***

1. Maps for various transportation projects, reports, and presentations (paper or digital)
2. Support and assistance to local governments
3. Provide data and meta-data in digital or spreadsheet format

**F. Performance Based Planning**

**Objective:**

The objective of a performance based program is for states and MPOs to invest resources in projects that will collectively make progress toward the achievement of nationally set goals. 23 CFR 490 outlines the national performance goals for the federal-aid highway program required to be established in seven (7) areas: safety, infrastructure condition, congestion reduction, system reliability, freight movement, environmental sustainability, and reduced project delivery delay.

Within one year of the U.S. Department of Transportation final rules on performance measures, States are required to set performance targets in support of these measures. Within 180 days of the state setting targets, MPOs are then required to choose to support the statewide targets, or optionally set their own targets. To ensure consistency, each MPO must, to the maximum extent practicable, coordinate with the relevant State and public transportation providers when setting performance targets. Any new TIP document or amendment must comply with performance reporting requirements as outlined in the FAST-Act.

**Activities:**

1. Work with Federal, State, and Local Road Agencies, as well as the public to continue to identify and establish performance based planning strategies.
2. Work with other MPO's, as well as state and federal agencies to define and implement the strategies.
3. Attend training and work sessions geared toward performance based planning.
4. Monitor and update measures and targets as necessary.

**Products:**

1. Strategies and target setting to help with project planning and implementation
2. Develop data for transportation planning and decision making.
3. Identification of deficiencies in the planning process.
4. Updated TIP and LRP documents to reflect targets and measures.

	<b><u>Revenue:</u></b>	<b><u>Expenditures:</u></b>
<b>FHWA</b>	<b>\$75,698</b>	<b>\$75,698</b>
<b>FTA</b>	<b>\$5,705</b>	<b>\$5,705</b>
<b>Local</b>	<b><u>\$18,051</u></b>	<b><u>\$18,051</u></b>
<b><u>MPO Budget:</u></b>	<b>\$99,454</b>	<b>\$99,454</b>

## **G. Asset Management**

### **Objective:**

The resources allocated to the MPO from the Transportation Asset Management Council (TAMC) annual budget shall be utilized to assist in the completion of the TAMC Work Program. All work shall be consistent with the policies and priorities established by the TAMC. All invoices submitted for reimbursement of Asset Management activities shall utilize MDOT's standard invoice forms and include the required information for processing. The MPO shall complete the required products and perform tasks according to the timeframes and directives established within TAMC's data collection policy. The MPO will emphasize these tasks to support the top 125 Act 51 agencies (agencies that certify under Act 51 a minimum of 100 centerline miles of road) within the planning area when resources are limited. The activities eligible for TAMC reimbursement include the following:

### **Activities:**

1. Training Activities
  - A. Attendance at training seminar(s) on the use of Pavement Surface Evaluation and Rating (PASER) and Inventory-based Rating System for unpaved roadways.
  - B. Represent MPO/RPO at TAMC-sponsored conferences and seminars, including attending either the Spring or Fall TAMC Conference.
  - C. Attend TAMC-sponsored Investment Reporting Tool (IRT) training seminars.
  - D. Attend TAMC-sponsored Asset Management Plan Development training seminars.
2. Data Collection Participation and Coordination
  - A. Federal Aid System:
    1. Organize schedules with Act 51 agencies within MPO/RPO's boundary for participating in Federal Aid data collection efforts; ensure all participants of data collection have access to State of Michigan travel reimbursement rates.
    2. Coordinate, participate and facilitate road surface data collection on approximately one-half of the Federal Aid System in accordance with the TAMC Policy for the Collection of Roadway Condition Data on Federal Aid Eligible Roads and Streets.
    3. Collect unpaved roadway condition data on approximately half of any unpaved Federal Aid eligible roadways using the Inventory-based Rating System developed by the Michigan Technological University's Center for Technology and Training.
  - B. Non-Federal Aid System:

1. The RPO/MPO may allocate reimbursements for Non-Federal Aid data collection to Act 51 agencies according to the resources available to them in the manner that best reflects the priorities of their area and supports the TAMC work.
  2. Coordinate Non-Federal Aid data collection cycles with Act 51 agencies with an emphasis on the top 125 agencies.
  3. Ensure all participants of data collection understand procedures for data sharing with TAMC and TAMC reimbursement policy and procedures for collecting Non-Federal Aid data.
  4. Participate and perform with Act 51 agencies on an as-needed basis for the data collection of Non-Federal Aid roads.
3. Equipment
- A. Ensure rating teams have the necessary tools to complete the federal aid data collection activity by maintaining a laptop compatible with the Laptop Data Collector and Roadsoft programs, a functioning Global Positioning System (GPS) unit, and other required hardware in good working order.
  - B. Communicate any equipment needs and purchases with the TAMC Coordinator; laptops are eligible for replacement on a three-year cycle.
4. Data Submission
- A. Develop and maintain technical capability to manage regional RoadSoft databases and the Laptop Data Collector program; maintain a regional RoadSoft database that is accurate and consistent with local agency data sets.
  - B. Coordinate Quality Assurance/Quality Control activities and data submission tasks according to protocols established in TAMC Data Collection Policies for Federal Aid and Non-Federal Aid Roads.
  - C. Monitor and report status of data collection efforts to TAMC Asset Management Coordinator through monthly coordinator calls and/or monthly or quarterly program updates that are mailed with invoices.
  - D. Provide links on agency websites and reports to the TAMC website, interactive maps and dashboards for the dissemination of roadway data.
5. Asset Management Planning
- A. Participate and attend TAMC-sponsored training and workshops in order to provide technical support for Asset Management Plan development activities.
  - B. Provide an annual reporting of the status of Act 51 agency Asset Management Plans and keep abreast of the status of these plans for updates and revision.
  - C. Provide technical assistance and training funds to Act 51 agencies during the development of local Asset Management Plans using TAMC templates when applicable; coordinate these tasks with an emphasis on the Top 125 agencies.
6. Technical Assistance

- A. Provide technical assistance to local agencies in using the TAMC reporting tools for planned and completed infrastructure investments or any other TAMC Work Program Activity.
- B. Integrate PASER ratings and asset management into project selection criteria:
  - 1. Analyze data and develop road preservation scenarios.
  - 2. Analyze performance of implemented projects.

**Products:**

- 1. PASER data for Federal Aid System submitted to TAMC via the IRT.
- 2. PASER data for Non-Federal Aid System submitted to TAMC via the IRT.
- 3. Quarterly or monthly activities reports submitted with invoices to TAMC Coordinator.
- 4. Create an Annual Report of Asset Management program activities as well as a summary of PASER condition data by local agency, functional classification, and Act 51 Legal System; provide links to the Regional Annual Report on agency website and submit copies to TAMC Coordinator..
- 5. Prepare a draft status report of Act 51 agency Asset Management activities and plans within MPO/RPO boundary by September 30, 2020

	<u>Revenue:</u>	<u>Expenditures:</u>
<b>FHWA</b>	<b>\$0</b>	<b>\$0</b>
<b>FTA</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Local</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b><u>MPO Budget:</u></b>	<b>\$0</b>	<b>\$0</b>

*See Budget in Regional Work Program FY2020*

**H. Model Inventory Roadway Elements (MIRE)**

Model Inventory Roadway Elements (MIRE) Fundamental Data Elements (FDE) is a federal reporting requirement for safety roadway data. MDOT will ask for MPO volunteers to participate and supply input during design specification meetings or interviews. These discussions will look at user needs using technology to collect, access, transfer, and store MIRE FDE data. Some learning, material preparation, optional travel, and meeting time would be potential resources required for planning discussions. As data collection elements are known, some MIRE FDE data collection may begin at the MPO’s discretion.

## V. METROPOLITAN AREA TRANSPORTATION PLANNING

### A. LONG RANGE PLANNING

#### *Objective:*

Commission staff will maintain the Year 2040 Long-Range Transportation Plan for the WestPlan MPO. (Approved June 2015) The plan is formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of the MPO urbanized area. Special consideration has been given to existing land use and its relationship to probable future land use based on community comprehensive (or "master") plans, zoning, infrastructure and environmental, energy, and air quality constraints. In Muskegon County, the Muskegon Area-wide Plan (MAP) is the County's Master Plan. Ottawa County has the Ottawa County Development Plan, which functions as their Master Plan. The plans will be used as a tool for making transportation decisions throughout the MPO in the coming years. (Ongoing activity)

WestPlan MPO staff is in the process of developing the 2045 Long Range Transportation Plan, and will assist MDOT in the development and local review of socio-economic data and network attribution used to develop the travel demand model for use in the 2045 Long Range Transportation Plan. To date, base year data has been developed for the model, and staff continues to work with SUTA staff to develop current and future data. Staff will continue to work with the WestPlan MPO Committees, MDOT, the Public, and other stakeholders to review results of the Travel Demand Model; to develop project lists for testing, and develop a final list of projects to include in the plan. The MPO will also coordinate travel demand model development milestones with adjacent MPO's (GVMC & MACC).

There is a direct correlation between transportation, land use/zoning, population, and other infrastructure, such as water, sewer, and utilities. It is important to consider the link between transportation and infrastructure, in both terms of past and future development, with relation to expansion of infrastructure. Transportation must be looked at as a major component of planning and future development because it has the most potential for determining what the infrastructure network will look like in the future.

In the terms of linking transportation and infrastructure, all forms of transportation must be

considered. These include roadways, pedestrians, bike paths, rail (passenger and freight), shipping, and air, among others.

Title 23 CFR §450 Implementation—Planning Considerations: (See also "Short-Range Planning")

Special consideration, under Title 23 CFR §450, will be given to the following planning factors:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life; and promote consistency between transportation improvements and state/local planned growth and economic development patterns. In Muskegon County, the Muskegon Area-wide Plan (MAP) is the County's Master Plan. Ottawa County has the Ottawa County Development Plan, which functions as their Master Plan;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system.

***Activities***

1. Maintain and update data concerning current zoning, existing and expected future land-use, and current and anticipated extensions of infrastructure (especially sewer and water) for the 2045 Long-Range Transportation Plan.
2. Update and monitor base, current, and future socio-economic data for the Long Range Plan, including population, housing, employment, and economic base data.
3. Update and collect street and highway data, including such data as traffic volumes, road and street characteristics, crash information, multi-modal uses, and capacity information for the 2045 Long-Range Transportation Plan.
4. Work with local units of government, planning commissions, and other interested stakeholders on transportation and land use issues related to their master plans and implementation activities, especially as they pertain to the community comprehensive or "master" plans (especially the Muskegon Area-wide Plan and the Ottawa County Development Plan), zoning, infrastructure, environmental, energy, air quality constraints, existing and future land use, and planning activities.
5. Update list of major traffic generators and generalized current land use data for the 2045 Long-Range Transportation Plan.

6. Assist MDOT in maintenance of the Muskegon/Northern Ottawa Urbanized Area Model for the 2045 Long-Range Transportation Plan.
7. Maintain updated projections of urban area economic, demographic, and land use activities consistent with urban development goals and the development of potential transportation demands based on these projected levels of socio-economic activity and through the possible use of GIS methods.
8. Identify and address issues that relate and contribute to Climate Change and Greenhouse Gasses.
9. Continue to work with local governments and agencies on freight planning and more specifically port planning and development.
10. Continue to work with local government agencies to plan for non-motorized projects that can coordinate with highway and transit planning.
11. Port Planning and project implementation will increase in the coming years, with momentum growing to enhance the Muskegon Port. MPO Staff has been involved with this process for several years, and it is expected that this roll will increase as Port development increases. MPO Staff will recommend port related involvement on the MPO Committees for future planning and project implementation.
12. Continue development of the 2045 Long Range Plan, including work associated with the travel demand model.
13. Provide support and recommendation, coordination of local review, and committee approval of socio-economic data for use within the Travel Demand Model.
14. Coordination of Travel Demand Model activities in accordance to the agreed upon model development schedule and coordination with adjacent MPO's (GVMC & MACC) Travel Demand Model developments.

### ***Products***

1. Continue and finalize development of the new 2045 Long-Range Transportation Plan for the WestPlan MPO Area.
2. Maintenance of files for update of a *Socio-Economic Data Report* (showing population, housing units, total employment, retail employment, and vehicle ownership by Traffic Analysis Zone (TAZ) utilizing tables, charts, and other descriptive methods) for approval by Technical and Policy Committees.
3. Assist MDOT in the maintenance of the transportation network model.
4. Continued assistance with Port of Muskegon planning and project implementation.

## **B. SHORT RANGE PLANNING**

### ***Objective:***

To identify and prepare short-range plans designed to evaluate existing transportation problems and to determine immediate and near-term improvement opportunities. Special emphasis will be placed on the implementation of elements of the Clean Air Act. As part of the emphasis on emissions reduction (specifically ozone), to identify projects that will make better use of the existing transportation system and provide for the efficient movement of people and goods. To obtain information and maintain files of transportation planning data necessary to understand the nature, extent, and distribution of transportation and land use resources and traffic generators to provide an analysis of existing conditions of travel, transportation facilities, and systems management.

Special consideration has been given to existing land use and its relationship to probable future land use based on community comprehensive (or "master") plans, zoning, infrastructure and environmental, energy, and air quality constraints. In Muskegon County, the Muskegon Area-wide Plan (MAP) is used as a guide for planning throughout the county. Ottawa County has the Ottawa County Development Plan, which functions as their Master Plan. The plan will be used as a tool for making transportation decisions throughout the MPO in the coming years.

There is a direct correlation between transportation, land use/zoning, population, and other infrastructure, such as water, sewer, and utilities. It is important to consider the link between transportation and infrastructure, in both terms of past and future development, with relation to expansion of infrastructure. Transportation must be looked at as a major component of planning and future development because it has the most potential for determining what the infrastructure network will look like in the future.

In the terms of linking transportation and infrastructure, all forms of transportation must be considered. These include roadways, pedestrians, bike paths, rail (passenger and freight), shipping, and air, among others. (Ongoing activity)

Title 23 CFR §450 Implementation—Planning Considerations: (Also listed under Long Range Planning)

Special consideration, under Title 23 CFR §450, will be given to the following planning factors:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life; and promote consistency between transportation improvements and state/local planned growth and economic development patterns. In Muskegon County, the Muskegon Area-wide Plan (MAP) is the County's Master Plan. Ottawa County has the Ottawa County Development Plan, which functions as their Master Plan.

- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

### ***Activities***

1. On a bi-annual basis, development of a staged multi-year program of transportation improvement projects (Transportation Improvement Program, or TIP) consistent with the long-range transportation plan, including assistance to MDOT in conformity determination as part of the requirements of the Clean Air Act.
2. Continuation of efforts to assist local governmental units in the metropolitan area with studies of designated "Corridors of Concern" (thoroughfare corridors which are multi-jurisdictional with high traffic volume and high existing and future development pressures) to determine recommendations for compatible land uses, access controls, and traffic improvements.
3. Work with local units of government and planning commissions on transportation and land use issues related to their master plans as they pertain to community comprehensive or "master" plans (especially the Muskegon Area-wide Plan and the Ottawa County Development Plan), zoning, infrastructure, environmental, energy, air quality constraints, and future land use.

### Title 23 CFR §450 Implementation and Coordination

Consider Title 23 CFR §450 planning factors and the issues listed in the section above in decision making for short range planning. Assist local governments, road agencies, transit, and others to make decisions based on good forethought and planning as presented in the Title 23 CFR §450 federal legislation.

### Census Assistance

1. Implementation of Traffic Analysis Zone definitions
2. Assist the Census Bureau in workplace coding as appropriate

### Safety Planning

1. Continue to work with local, state, and federal agencies to identify and address safety concerns with relation to transportation. Information will be used to help in determining local concerns, and how to best address these concerns.
2. Inventory and identification of high accident locations that will be utilized for future project planning.

## Climate Change

1. Identify and address issues that relate and contribute to Climate Change and Greenhouse Gasses. Continue to plan for emission reduction through funding sources such as CMAQ and TA.

### ***Products***

1. Revisions and amendments to the FY 2020-2023 TIP through the continued use of Jobnet.
2. Annual listing of Obligated Projects for projects listed in the TIP. This will be posted on the WMSRDC Website and available to the public.
3. Various short-range, TSM-type studies, corridor and area studies, etc., as well as other short-range planning items to support the development of the Long-Range Transportation Plan.
4. Work with MDOT staff to develop forums to discuss current safety issues, data collection methods, and how to incorporate these into the MPO process.
5. Performance Based Planning targets and language revisions as required.

## **C. NON-MOTORIZED PLANNING**

### ***Objective***

Continue to develop and expand non-motorized traffic planning for the MPO. Provide continuous updates to current comprehensive plan that was completed for the MPO area. Continue to look for ways to link all types of transportation. The plan will eventually be expanded outside of the MPO boundary into the five county region that WMSRDC currently covers.

### ***Activities***

1. Work with the MPO partners and other community members to address concerns or comments that were derived from the plan, and discuss ways to improve the plan.
2. Incorporate recommendations and comments into all aspects of MPO and Regional Planning.

### ***Products***

1. Involvement and participation with various MPO partners as well as other agencies such as the Convention and Visitors bureaus, transit providers, and other interested agencies.
2. A completed and continually updated Non-Motorized plan for the Muskegon/northern Ottawa MPO, which includes:
  - a. An examination of existing non-motorized pathways within the MPO boundaries and an analysis as to where future investments would make the most sense to make connections.

- b. An examination of sidewalk locations and deficiencies especially as it relates to transit routes.

	<u>Revenue:</u>	<u>Expenditures:</u>
FHWA	\$196,819	\$196,819
FTA	\$14,833	\$14,833
Local	<u>\$46,933</u>	<u>\$46,933</u>
<u>MPO Budget:</u>	\$258,585	\$258,585

## VI. TRANSIT PLANNING

### A. METROPOLITAN TRANSIT PLANNING (49 U.S.C. §5303 and U.S.C §5313(b))

#### *Objective*

To develop plans, procedures, and programs to assist the transit providers located in WestPlan MPO. These agencies include The Muskegon Area Transit System (MATS), Harbor Transit Multimodal Transportation System, Pioneer Resources, Agewell Servicesc, and Goodwill Industries. To develop and improve comprehensive public mass transportation systems and to assure a continuing, comprehensive transportation planning process carried out cooperatively by the FTA, the state, and the local communities. (Ongoing activity)

#### *Activities*

1. Perform long-range transit planning by such techniques as travel forecasting, data base development and maintenance, systems analysis, sketch planning, system plan development, corridor studies, cost effectiveness studies, feasibility and location studies, planning for major transportation investments, alternatives analysis, etc. Incorporate transit planning with the Long-Range Transportation Plan.
2. Perform short-range transit planning by such techniques as management analysis of operations, service planning, financial management planning, analysis of alternative fare box policies, ridership and user surveys, vanpool/rideshare analysis and impact, parking management, etc.
3. Perform Title VI Monitoring Procedures triennially, as required.
4. Assist with the planning, development, and improvement of transportation services to the elderly and persons with disabilities including service planning, evaluation, coordination, and

application.

5. Maintain contact with transportation planners and providers throughout West Michigan to discuss and facilitate public transportation improvements.

### ***Products***

1. Assistance with applications for funding.
2. Transit Surveys, as needed (on-board user, community-wide, and route surveys).
3. Specialized Services Grant application support.
4. Chairmanship responsibilities for the Muskegon County Specialized Services Coordinating Council.

## **B. OTHER TRANSIT PLANNING ACTIVITIES**

### **Assist with specialized transportation needs**

#### ***Objective***

Continue to be an active member of the Muskegon County Specialized Services Committee. The Muskegon County Specialized Services Coordinating Committee was formed to assist seniors and persons with disabilities with their transportation needs. The committee was established in 1988 under PA51, as amended, to improve transportation services to seniors and people with disabilities in Muskegon County.

Work with local agencies and groups regarding their needs for planning assistance for specialized transportation needs. (Ongoing activity)

#### ***Activities***

1. Chairperson for the Specialized Services Committee which meets bi-monthly.
2. Provide assistance to transit providers in the metropolitan area, including assessing and analyzing the transportation needs of disabled residents within the Muskegon County/Northern Ottawa County area.
3. Facilitate public participation.
4. Provide updates on state and federal legislation.

#### ***Products***

1. Human Services/Public Transportation Plan Updates
2. Planning for transit related projects in the Transportation Improvement Program and the Long Range Plan.

3. Demographic data support for transit planning.

	<u>Revenue:</u>	<u>Expenditures:</u>
FTA	\$35,693	\$35,693
Local	<u>\$7,915</u>	<u>\$7,915</u>
<u>MPO Budget:</u>	\$43,608	\$43,608

## C. FTA SECTION 5304-HARBOR TRANSIT MULTI-MODAL TRANSPORTATION SYSTEM

### *Objective*

The goal of the project is to have the Harbor Transit (HT) service territory evaluated and determine if HT could introduce and add some fixed routes to the on-demand service. HT feels the need to continue to improve customer service delivery and to assist in reducing overall operating costs per ride. Since 2012 the agency has increased in size from 10.6 sq miles to 55 sq miles and now serve approximately 45,000 residents within the service territory. HT would like to reduce customer waiting time and would like to include a portion of ridership with the exception of paratransit ridership.

### *Activities*

Have a third party consultant evaluate the HT service territory using RouteMatch software. Determine which classification of ridership is using the HT service and where they traveling from point of origin to their designation and a return trip. Perform a survey of ridership as to if they would utilize the fixed route service and establish pricing levels for the service. The target audience would be a portion of ridership that would be served in close proximity to the fixed routes and with the exclusion of anyone eligible for paratransit service.

### *Products*

Cost reduction, improved customer service with more predictable wait times.

	<b><u>Revenue:</u></b>
<b>FTA</b>	<b>\$64,000</b>
<b>State/Local</b>	<b>\$16,000</b>

**MPO Budget:**      *This project will not be included in the MPO budget*

## VII. OTHER METROPOLITAN AREA TRANSPORTATION PLANNING ACTIVITIES

### A. Area-Wide Air Quality Improvement Program/Clean Air Action Program

#### *Objective*

1. Promote voluntary emission reduction activities, especially on hot summer days when the weather and wind direction is conducive to the formation of ground-level ozone. This program will also promote similar activities on days when particulate matter air pollution is expected to be high. These efforts will continue to meet the goals of the program that was expanded in Fiscal Year 2009 from a summer seasonal program to a year-round program as particulate matter is a year-round pollutant.
2. Influence the travel and household behavior of the general public to be more air quality friendly.
4. Increase vehicle occupancy and decrease the number of vehicles in the transportation system. (Ongoing activity)

#### *Activities*

1. Continue to successfully partner with the West Michigan Clean Air Coalition and others to develop and implement a marketing campaign for air quality awareness in West Michigan on an annual basis.
2. Continually promote the Michigan EnviroFlash Program. The EnviroFlash Program is a partnership between Michigan Department of Environment, Great Lakes, and Energy (EGLE) and US-EPA that automatically delivers air quality forecasts, as well as Air Quality Action Day notifications, directly to the public.
3. Maintain and establish relationships with media, local business, governments, and community organizations to strengthen the goals of the Area-Wide Air Quality Improvement Program.
4. Develop and implement an annual marketing campaign for Muskegon and Ottawa County that will influence the travel behavior of the public to be more air quality friendly.

#### *Products*

1. An annual marketing campaign planned in conjunction with the West Michigan Clean Air Coalition.
2. Clean Air Action kick-off event.
3. Radio and television educational text, production, and purchase.
4. On-air radio and television interviews.
5. Continue to partner with the Muskegon Area Smart Commute Week.
6. Purchasing and/or printing promotional items.

7. Participation in various community events and activities.
8. Involvement and participation in various environmental-related organizations and committees.
9. An ever expanding list of interested citizens who are registered with the EnviroFlash Program.
10. Public service announcement text and distribution.
11. Press release text and distribution.

	<b><u>Revenue:</u></b>	<b><u>Expenditures:</u></b>
<b>CMAQ</b>	<b>\$100,000</b>	<b>\$100,000 (MPO)</b>
<b>Local</b>	<b>\$25,000</b>	<b><u>\$25,000</u></b>
<b><u>MPO Budget:</u></b>	<b>\$125,000</b>	<b>\$125,000</b>

**B. West Michigan Wayfinding Signage Guide (Non-Motorized)**

***Objective***

To develop, with assistance from the Grand Valley Metropolitan Council, the Macatawa Area Coordinating Council, the West Michigan Trails And Greenways Coalition, the Department of Transportation, the Michigan Department of Natural Resources, and local trails and friends groups, a consistent and unified framework for regional trail and pathway signage in West Michigan.

***Activities***

1. Participation on Regional Trail Wayfinding Task Force to assist in planning and development of a recommended framework and language for wayfinding signage on regional non-motorized facilities and trails.

***Products***

1. Recommendations for options and guidelines for regional wayfinding signage.
2. Assistance with RFP for consultant to develop a guide and plan for this project.
3. Wayfinding strategies and guidelines incorporated into MPO planning process with relation to highway and non-motorized projects.

*There is no funding associated with this project at this time, if funding is established it will be amended at a later date.*

## VIII. CERTIFICATE OF INDIRECT COST

TRANSPORTATION PLANNING WORK PROGRAM  
FUNDING SOURCE SUMMARY  
FY 2020

	PL FEDERAL	FTA SEC 5303 FEDERAL	CMAQ FEDERAL	LOCAL MATCH FOR PL	LOCAL MATCH FOR SEC 5303 PL	LOCAL MATCH FOR CMAQ	STATE MATCH FOR PL	FEDERAL TOTAL	STATE TOTAL	LOCAL MATCH TOTAL	MATCH TOTAL
MPO PROGRAM MANAGEMENT	\$30,280	\$2,282	\$0	\$6,715	\$506	\$0	\$0	\$32,562	\$0	\$7,221	\$39,783
METRO AREA DATA ASSISTANCE	\$75,698	\$5,705	\$0	\$16,786	\$1,265	\$0	\$0	\$81,403	\$0	\$18,051	\$99,454
METRO AREA PLANNING	\$196,819	\$14,833	\$0	\$43,644	\$3,289	\$0	\$0	\$211,652	\$0	\$46,933	\$258,585
Multimodal Subtotal	\$302,797	\$22,820	\$0	\$67,144	\$5,060	\$0	\$0	\$325,617	\$0	\$72,204	\$397,821
TRANSIT PLANNING	\$0	\$35,693	\$0	\$0	\$7,915	\$0	\$0	\$35,693	\$0	\$7,915	\$43,608
Transit Subtotal	\$0	\$58,513	\$0	\$0	\$7,915	\$0	\$0	\$58,513	\$0	\$7,915	\$66,428
AREAWIDE AIR QUALITY IMPROVEMENT PROGRAM	\$0	\$0	\$100,000	\$0	\$0	\$25,000	\$0	\$100,000	\$0	\$25,000	\$125,000
<b>GRAND TOTAL</b>	<b>\$302,797</b>	<b>\$58,513</b>	<b>\$100,000</b>	<b>\$67,144</b>	<b>\$12,975</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$484,130</b>	<b>\$0</b>	<b>\$105,119</b>	<b>\$589,249</b>

4/1/2019

IX. FUNDING SOURCE SUMMARY

## **VIII. APPENDICES**

- A. Cost Allocation Plan
- B. Title VI Plan
- C. Transit Agency Memorandum of Understanding
- D. Funding Source Summary
- E. Limited English Proficiency Plan (LEP)
- F. FY2020 UWP Flow Chart

## **APPENDIX A**

### **Cost Allocation Plan**

*Cost Allocation Plan is sent under a separate Cover*

## **APPENDIX B**

### **WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION**

## **TITLE VI PLAN**

**WEST MICHIGAN SHORELINE  
REGIONAL DEVELOPMENT  
COMMISSION**

**TITLE VI  
NON-DISCRIMINATION PLAN**

**316 Morris Avenue  
Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 10  
Website: <http://www.wmsrdc.org>**

**Title VI Coordinator:  
Erin Kuhn, Executive Director  
Phone: 231-722-7878 ext. 18  
Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)**

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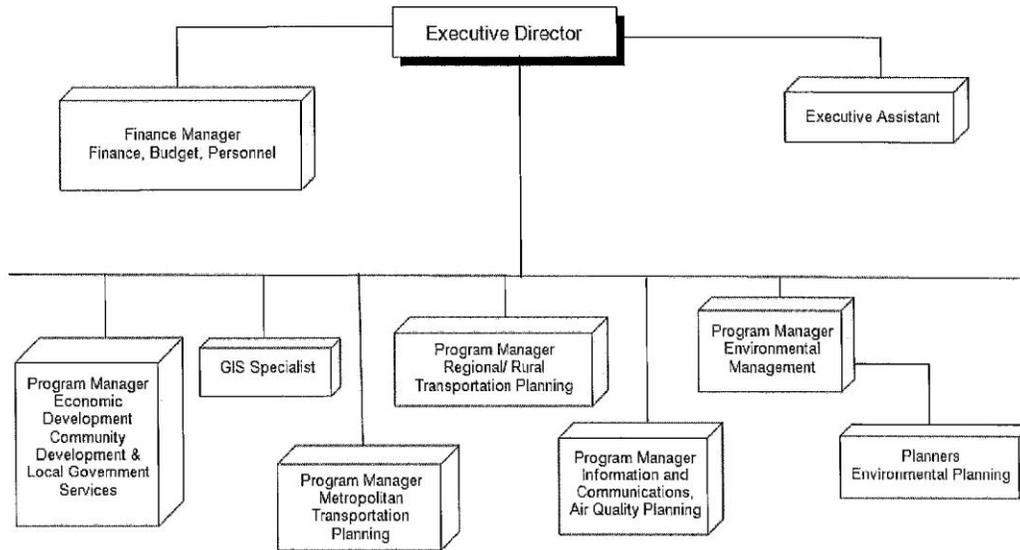
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**WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION  
ORGANIZATIONAL CHART**



## INTRODUCTION

The West Michigan Shoreline Regional Development Commission is a federal and state designated regional planning and development agency serving 120 local governments in Lake, Mason, Muskegon, Newaygo, and Oceana Counties. WMSRDC is the planning agency for the metropolitan transportation planning (MPO) program for Muskegon and Northern Ottawa Counties. WMSRDC serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the MPO. WMSRDC recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the WMSRDC must provide access to individuals with limited ability to speak, write, or understand the English language. The MPO will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse

impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the WMSRDC's Title VI Program are:

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

As a sub-recipient of federal transportation funds, the WMSRDC must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The WMSRDC shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The WMSRDC, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the MPO will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

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

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

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

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

**WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION  
NON-DISCRIMINATION POLICY STATEMENT**

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

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

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

The WMSRDC will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The WMSRDC designates Erin Kuhn, Executive Director, as the Title VI Coordinator. The Executive Director will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the WMSRDC complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the WMSRDC and Title VI may be directed to the

Executive Director  
316 Morris Avenue  
Suite 340, Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18  
Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)



Erin Kuhn  
Executive Director/Title VI Coordinator

**WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION  
TITLE VI ASSURANCES**

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

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

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

West Michigan Shoreline Regional Development Commission

  
Erin Kuhn, Executive Director

4-17-19  
Date

## AUTHORITIES

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

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

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

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

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

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

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

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

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

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

## DEFINITIONS

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

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the MPO programs, policies and activities

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

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

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

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed MPO program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

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

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

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

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

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

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

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

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

## ADMINISTRATION – GENERAL

The WMSRDC designates Erin Kuhn, Executive Director, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Ms. Kuhn shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

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

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

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

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

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

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The MPO will disseminate Title VI Program information to the WMSRDC employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of

Title VI language in contracts and publishing the MPO's Title VI Plan within 90 days of approval on the main page of the WMSRDC's internet website, at <http://www.wmsrdc.org>.

Remedial Action: The MPO, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

### LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The WMSRDC receives funds from the US Department of Transportation via the Federal Highway Administration.

For more information regarding our policies on LEP, copy of our LEP plan can be found on our website at <http://www.wmsrdc.org> or requested from:

West Michigan Shoreline Regional Development Commission  
Erin Kuhn, Executive Director  
316 Morris Avenue, Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18

Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)

## ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the MPO in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The MPO will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the MPO will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the MPO will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the MPO will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low income population groups:

**STEP ONE:** Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the MPO programs, activities, and services as required by statute.

### **II. Purpose**

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

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

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

### **IV. Filing a Complaint**

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

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

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

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the MPO must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period,

he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

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

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

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

#### **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the WMSRDC, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the WMSRDC, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a WMSRDC sub-recipient should be investigated by the MPO following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Erin Kuhn for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

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

West Michigan Shoreline Regional Development Commission  
Erin Kuhn, Executive Director  
316 Morris Avenue, Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18  
Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)

**Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

**Records**

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

**APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]**

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 Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)\*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

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

### APPENDIX C - PERMITS, LEASES AND LICENSES

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

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT  
COMMISSION  
TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the WMSRDC based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form, please contact Erin Kuhn by phone at 231-722-7878 ext. 18 or via e-mail at [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Date discrimination began: \_\_\_\_\_

Last or most recent date: \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

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

- |                |                     |
|----------------|---------------------|
| ___ Race       | ___ Income          |
| ___ Color      | ___ National Origin |
| ___ Age        | ___ Sex             |
| ___ Disability | ___ Religion        |

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

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

**Please return completed form to:**

Erin Kuhn, Executive Director  
316 Morris Avenue, Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18  
Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)

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

**APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS**

“Significant” requires considerations of both context and intensity:

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

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

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

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

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

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

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

**APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR  
CURRENT PLAN YEAR**

1. The WMSRDC's Title VI Plan will be communicated to each MPO Department Head who will review the plan with departmental employees. All WMSRDC employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The WMSRDC's Title VI Plan will be published on the main page of the MPO's website <http://www.wmsrdc.org>, within 90 days of approval.
3. Appendix A will be included in all MPO contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the WMSRDC's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of WMSRDC facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
  - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
  - h. **Program Participants:** Racial data of program participants where possible.

<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

## **APPENDIX C**

### **Transit Agency Memorandum of Understanding**



MEMORANDUM OF UNDERSTANDING FOR  
COOPERATIVE TRANSPORTATION PLANNING BETWEEN  
THE WEST MICHIGAN METROPOLITAN TRANSPORTATION PLANNING PROGRAM (WESTPLAN)  
AND THE MUSKEGON COUNTY MUSKEGON AREA TRANSIT SYSTEM (MATS)

This Memorandum of Understanding is agreed and entered into on the 17<sup>th</sup> day of August, 2016, between the West Michigan Metropolitan Planning Program, hereinafter called WestPlan and the County of Muskegon's Muskegon Area Transit System, hereinafter called MATS. This memorandum outlines the roles and responsibilities of WestPlan, the metropolitan planning organization (MPO) for Muskegon and northern Ottawa County, Michigan, and MATS, a transit operator offering transit services in the Muskegon County, Michigan, area, to carry out federal transportation planning and programming requirements.

This memorandum, in accordance with federal requirements, provides the framework for WestPlan and MATS to cooperatively determine their mutual roles and responsibilities for carrying out the urban transportation planning process in accordance with Federal Transit Administration (FTA) requirements, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Fixing America's Surface Transportation Act (FAST Act), the metropolitan and statewide planning regulations and WestPlan's program of projects process. The process includes the coordination of program activities between WestPlan and MATS in the development of WestPlan's Unified Work Program (UWP), the WestPlan Long Range Transportation Plan (LRP), and the WestPlan Transportation Improvement Program (TIP), and other federal, state, and regional planning activities, as applicable.

WestPlan, as the designated MPO for the Muskegon Urbanized Area, and MATS recognize that a continuous, comprehensive, and cooperative planning process are essential and mutually beneficial for the provision of public transportation to the residents of Muskegon County. It is committed that MATS will be afforded a voting representative position on the WestPlan Transportation Policy and Transportation Technical committees and that MATS and WestPlan will jointly fulfill the federally-required roles of the transportation planning process.

- i. Unified Work Program (UWP)
  - A. In accordance with state and federal requirements, WestPlan annually prepares, adopts, and updates the Unified Work Program (UWP) describing MPO planning activities and studies. The UWP relates MPO significant planning activities of the state, WestPlan, MATS, and other participating local government agencies in an integrated, comprehensive program document.

MATS agrees to annually prepare and submit to WestPlan, for inclusion in the UWP, the description of regionally significant transportation related planning work intended to be carried out by MATS.

- B. WestPlan and MATS agree to consult and coordinate the development of transit plans and programs as they relate to existing and future multi-modal transportation needs in Muskegon County and the surrounding region.
- C. WestPlan and MATS agree to work together to achieve compliance with all federal planning regulations and guidelines.

II. Participation Plan

WMSRDC utilizes an adopted Public Participation Plan in Transportation Decision Making to provide residents, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation process and to review and comment at key decision points.

MATS will rely primarily on WestPlan's public involvement process to meet its Section 5307 public involvement requirements. Furthermore WestPlan, in cooperation with MATS, will conduct public involvement activities for the development and adoption of the Long Range Plan (LRP) and Transportation Improvement Program (TIP) as it relates to the MATS Program of Projects. It will be specifically stated in WMSRDC's outreach that the public notice of public participation activities and time established for public review of and comment on the TIP will satisfy MATS Program of Projects requirements. In addition to public involvement activities performed by WMSRDC, MATS will publish a Program of Projects for each Federal Section 5307 funding application in the predominant area newspaper.

III. Transportation Improvement Program (TIP)

- A. WestPlan and MATS agree to work together in the development of transit projects within WestPlan's planning area and assure that available funds are spent on projects and programs that improve the transportation system. MATS will submit to WestPlan a fiscally constrained list and description of all transportation projects proposed to be funded with federal funds and any regionally significant projects to be completed with non-federal funds.

IV. Long Range Transportation Plan (LRP)

- A. WestPlan, in cooperation with MATS, will develop the Long Range Transportation Plan (LRP) as required by federal regulations. MATS will submit to WestPlan data required for plan

development. MATS will be required to submit a fiscally constrained financial plan for existing and proposed transit projects.

- B. WestPlan, in cooperation with MATS, will conduct public involvement activities for the development and adoption of the LRP.
- C. WestPlan and MATS agree to work together in developing, maintaining, and managing an understandable and equitable process for documenting projects within the planning area for WestPlan's LRP. WestPlan and MATS agree to provide early notice of any proposed policy or procedural changes that may impact project selection or the implementation of the LRP.

V. Annual Listing of Projects with Federal Funding Obligations

Annually, within 90 days after the close of the federal fiscal year, WestPlan will work with MATS and other agencies to cooperatively develop a listing of projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in federal code. WestPlan will make this report available to the public on the website of WestPlan and the West Michigan Shoreline Regional Development Commission, which is [www.wmsrdc.org](http://www.wmsrdc.org).

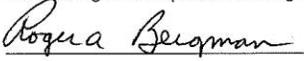
VI. Term

This agreement shall be evaluated annually. It may be amended as necessary by agreement of both WestPlan and MATS, and will remain in force until repealed by either WestPlan or MATS. WestPlan and MATS commit to continually improve the planning process and the delivery of transit services for the region.

County of Muskegon  
Muskegon Area Transit System (MATS)

  
\_\_\_\_\_  
Terry P. Sabo, Board Chair  
County of Muskegon

West Michigan Metropolitan Planning Program (WestPlan)

  
\_\_\_\_\_  
Roger Bergman  
Chairperson, WestPlan Policy Committee

MEMORANDUM OF UNDERSTANDING FOR  
COOPERATIVE TRANSPORTATION PLANNING BETWEEN  
THE WEST MICHIGAN METROPOLITAN TRANSPORTATION PLANNING PROGRAM (WESTPLAN)  
AND THE HARBOR TRANSIT MULTI-MODAL TRANSIT SYSTEM AUTHORITY

This Memorandum of Understanding is agreed and entered into on the 27<sup>th</sup> day of September, 2017, between the West Michigan Metropolitan Planning Program, hereinafter called WestPlan and the Harbor Transit Multi-Modal Transit System Authority, hereinafter called HTMMTS. This memorandum outlines the roles and responsibilities of WestPlan, the metropolitan planning organization (MPO) for Muskegon and northern Ottawa County, Michigan, and HTMMTS, a transit operator offering transit services in the City of Grand Haven, Grand Haven Charter Township, City of Ferrysburg, Village of Spring Lake, and Spring Lake Township to carry out federal transportation planning and programming requirements.

This memorandum, in accordance with federal requirements, provides the framework for WestPlan and HTMMTS to cooperatively determine their mutual roles and responsibilities for carrying out the urban transportation planning process in accordance with Federal Transit Administration (FTA) requirements, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Fixing America's Surface Transportation Act (FAST Act), the metropolitan and statewide planning regulations and WestPlan's program of projects process. The process includes the coordination of program activities between WestPlan and HTMMTS in the development of WestPlan's Unified Work Program (UWP), the WestPlan Long Range Transportation Plan (LRP), and the WestPlan Transportation Improvement Program (TIP), and other federal, state, and regional planning activities, as applicable.

WestPlan, as the designated MPO for the Muskegon Urbanized Area, and HTMMTS recognize that a continuous, comprehensive, and cooperative planning process are essential and mutually beneficial for the provision of public transportation to the residents of the City of Grand Haven, Grand Haven Charter Township, City of Ferrysburg, Village of Spring Lake, and Spring Lake Township. It is committed that HTMMTS will be afforded a voting representative position on the WestPlan Transportation Policy and Transportation Technical committees and that HTMMTS and WestPlan will jointly fulfill the federally-required roles of the transportation planning process.

I. Unified Work Program (UWP)

- A. In accordance with state and federal requirements, WestPlan annually prepares, adopts, and updates the Unified Work Program (UWP) describing MPO planning activities and studies. The UWP relates MPO significant planning activities of the state, WestPlan, HTMMTS, and other participating local government agencies in an integrated, comprehensive program document.

HTMMTS agrees to annually prepare and submit to WestPlan, for inclusion in the UWP, the description of regionally significant transportation related planning work intended to be carried out by HTMMTS.

- B. WestPlan and HTMMTS agree to consult and coordinate the development of transit plans and programs as they relate to existing and future multi-modal transportation needs in Ottawa County and the surrounding region.
- C. WestPlan and HTMMTS agree to work together to achieve compliance with all federal planning regulations and guidelines.

II. Participation Plan

WMSRDC utilizes an adopted Public Participation Plan in Transportation Decision Making to provide residents, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation process and to review and comment at key decision points.

HTMMTS will rely primarily on WestPlan's public involvement process to meet its Section 5307 public involvement requirements. Furthermore WestPlan, in cooperation with HTMMTS, will conduct public involvement activities for the development and adoption of the Long Range Plan (LRP) and Transportation Improvement Program (TIP) as it relates to the HTMMTS Program of Projects. It will be specifically stated in WMSRDC's outreach that the public notice of public participation activities and time established for public review of and comment on the TIP will satisfy HTMMTS Program of Projects requirements. In addition to public involvement activities performed by WMSRDC, HTMMTS will publish a Program of Projects for each Federal Section 5307 funding application in the predominant area newspaper.

III. Transportation Improvement Program (TIP)

- A. WestPlan and HTMMTS agree to work together in the development of transit projects within WestPlan's planning area and assure that available funds are spent on projects and programs that improve the transportation system. HTMMTS will submit to WestPlan a fiscally constrained list and description of all transportation projects proposed to be funded with federal funds and any regionally significant projects to be completed with non-federal funds.

IV. Long Range Transportation Plan (LRP)

- A. WestPlan, in cooperation with HTMMTS, will develop the Long Range Transportation Plan (LRP) as required by federal regulations. HTMMTS will submit to WestPlan data required for plan development. HTMMTS will be required to submit a fiscally constrained financial plan for existing and proposed transit projects.

- B. WestPlan, in cooperation with HTMMTS, will conduct public involvement activities for the development and adoption of the LRP.
- C. WestPlan and HTMMTS agree to work together in developing, maintaining, and managing an understandable and equitable process for documenting projects within the planning area for WestPlan's LRP. WestPlan and HTMMTS agree to provide early notice of any proposed policy or procedural changes that may impact project selection or the implementation of the LRP.

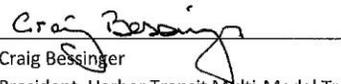
V. Annual Listing of Projects with Federal Funding Obligations

Annually, within 90 days after the close of the federal fiscal year, WestPlan will work with HTMMTS and other agencies to cooperatively develop a listing of projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in federal code. WestPlan will make this report available to the public on the website of WestPlan and the West Michigan Shoreline Regional Development Commission, which is [www.wmsrdc.org](http://www.wmsrdc.org).

VI. Term

This agreement shall be evaluated annually. It may be amended as necessary by agreement of both WestPlan and HTMMTS, and will remain in force until repealed by either WestPlan or HTMMTS. WestPlan and HTMMTS commit to continually improve the planning process and the delivery of transit services for the region.

Harbor Transit Multi-Modal Transit System Authority

  
\_\_\_\_\_  
Craig Bessinger  
President, Harbor Transit Multi-Modal Transit System Authority

West Michigan Metropolitan Planning Program (WestPlan)

  
\_\_\_\_\_  
Roger Bergman  
Chairperson, WestPlan Policy Committee

# **APPENDIX D**

## **Limited English Proficiency Plan**

**WEST MICHIGAN SHORELINE  
REGIONAL DEVELOPMENT  
COMMISSION**

**LIMITED ENGLISH PROFICIENCY  
(LEP) PLAN**

**316 Morris Avenue  
Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18  
Website: [www.wmsrdc.org](http://www.wmsrdc.org)**

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## Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The West Michigan Shoreline Regional Development Commission receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies that the West Michigan Shoreline Regional Development Commission is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations.

This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the West Michigan Shoreline Regional Development Commission and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

**The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to West Michigan Shoreline Regional Development Commission services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

**Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ For our planning purposes, we are considering people that speak English less than ‘very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2012 Data for the West Michigan Shoreline Regional Development Commission shows a small number of the population that speak English less than ‘very well.’

**TABLE #1  
Clare County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	29,150	
English only	28,086	96.3%
Language other than English	1,064	3.7%
Speak English less than "very well"	321	1.1%
Spanish	301	1.0%
Speak English less than "very well"	69	0.2%
Other Indo-European languages	561	1.9%
Speak English less than "very well"	130	0.4%
Asian and Pacific Islander languages	120	0.4%
Speak English less than "very well"	79	0.3%
Other languages	82	0.3%

Speak English less than "very well"	43	0.1%
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**Ionia County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	60,061	
English only	57,870	96.4%
Language other than English	2,191	3.6%
Speak English less than "very well"	631	1.1%
Spanish	1,449	2.4%
Speak English less than "very well"	424	0.7%
Other Indo-European languages	490	0.8%
Speak English less than "very well"	67	0.1%
Asian and Pacific Islander languages	120	0.2%
Speak English less than "very well"	59	0.1%
Other languages	132	0.2%
Speak English less than "very well"	81	0.1%

**Isabella County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	66,574	
English only	63,430	95.3%
Language other than English	3,144	4.7%
Speak English less than "very well"	1,094	1.6%
Spanish	833	1.3%
Speak English less than "very well"	246	0.4%
Other Indo-European languages	993	1.5%
Speak English less than "very well"	145	0.2%
Asian and Pacific Islander languages	935	1.4%
Speak English less than "very well"	581	0.9%
Other languages	383	0.6%
Speak English less than "very well"	122	0.2%

**Kent County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	561,097	
English only	496,438	88.5%
Language other than English	64,659	11.5%
Speak English less than "very well"	27,976	5.0%
Spanish	39,495	7.0%
Speak English less than "very well"	18,493	3.3%
Other Indo-European languages	13,201	2.4%
Speak English less than "very well"	3,522	0.6%
Asian and Pacific Islander languages	8,673	1.5%
Speak English less than "very well"	4,630	0.8%
Other languages	3,290	0.6%
Speak English less than "very well"	1,331	0.2%

**Lake County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	11,049	
English only	10,809	97.8%
Language other than English	240	2.2%
Speak English less than "very well"	79	0.7%
Spanish	138	1.2%
Speak English less than "very well"	56	0.5%
Other Indo-European languages	95	0.9%
Speak English less than "very well"	23	0.2%
Asian and Pacific Islander languages	3	0.0%
Speak English less than "very well"	0	0.0%
Other languages	4	0.0%
Speak English less than "very well"	0	0.0%

**Mason County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	27,089	
English only	25,752	95.1%
Language other than English	1,337	4.9%
Speak English less than "very well"	269	1.0%
Spanish	754	2.8%
Speak English less than "very well"	168	0.6%
Other Indo-European languages	510	1.9%
Speak English less than "very well"	80	0.3%
Asian and Pacific Islander languages	37	0.1%
Speak English less than "very well"	7	0.0%
Other languages	36	0.1%
Speak English less than "very well"	14	0.1%

**Mecosta County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	40,742	
English only	39,010	95.7%
Language other than English	1,732	4.3%
Speak English less than "very well"	449	1.1%
Spanish	466	1.1%
Speak English less than "very well"	125	0.3%
Other Indo-European languages	736	1.8%
Speak English less than "very well"	182	0.4%
Asian and Pacific Islander languages	206	0.5%
Speak English less than "very well"	78	0.2%

Other languages	324	0.8%
Speak English less than "very well"	64	0.2%

**Montcalm County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	59,506	
English only	57,425	96.5%
Language other than English	2,081	3.5%
Speak English less than "very well"	748	1.3%
Spanish	914	1.5%
Speak English less than "very well"	345	0.6%
Other Indo-European languages	861	1.4%
Speak English less than "very well"	290	0.5%
Asian and Pacific Islander languages	212	0.4%
Speak English less than "very well"	95	0.2%
Other languages	94	0.2%
Speak English less than "very well"	18	0.0%

**Muskegon County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	160,458	
English only	153,674	95.8%
Language other than English	6,784	4.2%
Speak English less than "very well"	2,164	1.3%
Spanish	3,819	2.4%
Speak English less than "very well"	1,373	0.9%
Other Indo-European languages	2,018	1.3%
Speak English less than "very well"	477	0.3%

Asian and Pacific Islander languages	518	0.3%
Speak English less than "very well"	234	0.1%
Other languages	429	0.3%
Speak English less than "very well"	80	0.0%

**Newaygo County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	45,485	
English only	42,976	94.5%
Language other than English	2,509	5.5%
Speak English less than "very well"	1,121	2.5%
Spanish	1,744	3.8%
Speak English less than "very well"	792	1.7%
Other Indo-European languages	683	1.5%
Speak English less than "very well"	303	0.7%
Asian and Pacific Islander languages	55	0.1%
Speak English less than "very well"	24	0.1%
Other languages	27	0.1%
Speak English less than "very well"	2	0.0%

**Oceana County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	24,882	
English only	21,950	88.2%
Language other than English	2,932	11.8%
Speak English less than "very well"	1,376	5.5%
Spanish	2,606	10.5%
Speak English less than "very well"	1,248	5.0%
Other Indo-European languages	241	1.0%

Speak English less than "very well"	60	0.2%
Asian and Pacific Islander languages	6	0.0%
Speak English less than "very well"	6	0.0%
Other languages	79	0.3%
Speak English less than "very well"	62	0.2%

**Osceola County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	22,051	
English only	21,115	95.8%
Language other than English	936	4.2%
Speak English less than "very well"	259	1.2%
Spanish	198	0.9%
Speak English less than "very well"	41	0.2%
Other Indo-European languages	671	3.0%
Speak English less than "very well"	193	0.9%
Asian and Pacific Islander languages	26	0.1%
Speak English less than "very well"	8	0.0%
Other languages	41	0.2%
Speak English less than "very well"	17	0.1%

**Ottawa County:**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	247,085	
English only	223,400	90.4%

Language other than English	23,685	9.6%
Speak English less than "very well"	8,829	3.6%
Spanish	15,554	6.3%
Speak English less than "very well"	6,012	2.4%
Other Indo-European languages	3,514	1.4%
Speak English less than "very well"	760	0.3%
Asian and Pacific Islander languages	4,416	1.8%
Speak English less than "very well"	2,027	0.8%
Other languages	201	0.1%
Speak English less than "very well"	30	0.0%

**Factor 2: Frequency of Contact with LEP Individuals**

The MPO has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular public meetings are held monthly, which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

**Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The West Michigan Shoreline Regional Development Commission serves individuals throughout the MPO primarily by planning. Given the number of LEP individuals in the MPO, we will ensure accessibility to all of our programs, services, and activities.

**Factor 4: The Resources Available to the WMSRDC and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”*

The West Michigan Shoreline Regional Development Commission serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the West Michigan Shoreline Regional Development Commission’s budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the WMSRDC to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the West Michigan Shoreline Regional Development Commission.

## **Options and Proposed Actions**

### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

The West Michigan Shoreline Regional Development Commission is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the relatively small size of the MPO, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

## **What the WMSRDC will do. What actions will the WMSRDC take?**

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the MPO will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The MPO will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the MPO’s complaint form will be made available online and upon request.
- In the event that a MPO employee encounters a LEP individual, they will follow the procedure listed below:

### **OFFICE ENCOUNTER**

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

### **ROAD ENCOUNTER**

1. Road crew employee will immediately contact the Title VI Coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

## IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

## OVER THE PHONE

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line, and if possible, determine the language spoken by the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

### **The West Michigan Shoreline Regional Development Commission's Staff Training**

The WMSRDC's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

### **LEP Plan Access**

A copy of the LEP plan document can be requested at the West Michigan Shoreline Regional Development Commission's main office during normal business hours and the WMSRDC will make the plan available on the website at [www.wmsrdc.org](http://www.wmsrdc.org). Any person or agency may also request a copy by contacting:

Erin Kuhn, Executive Director  
316 Morris Avenue, Suite 340  
Muskegon, MI 49440  
Phone: 231-722-7878 ext. 18  
Email: [ekuhn@wmsrdc.org](mailto:ekuhn@wmsrdc.org)

# APPENDIX E- FY2020 UWP FLOW CHART

Westpian Unified Work Program 2020												
Activities	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
<b>PROGRAM MANAGEMENT, ADMINISTRATION, AND ASSISTANCE TO MIDOT</b>												
MPO Committee Meetings												
Monthly Progress Reports												
Unified Work Program (FY2021)												
Final Acceptance Report												
<b>Metropolitan Planning Data Assistance</b>												
Air Quality Planning												
HPMS Update												
Metropolitan Traffic Counting Program												
Public Inv. & Local Technical Assistance												
GIS Data Service												
<b>Metropolitan Area Transportation Planning</b>												
Long Range Planning												
Short Range Planning												
Non-Motorized Planning												
<b>Transit Planning</b>												
Metropolitan Area Transit Planning												
Other Transit Planning Activities												
<b>Other Planning Activities</b>												
Area-Wide Air Quality Imp. Program												
West Michigan Regional Wayfinding												

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.