

# **APPENDIX B**

**Environmental Justice  
& Title VI Program**

**Michiana Area Council of Governments**

[www.macog.com](http://www.macog.com) • 574.287.1829 • [macogdir@macog.com](mailto:macogdir@macog.com)

## INTRODUCTION

### MISSION

The Michiana Area Council of Governments (MACOG) is a voluntary organization of local governments that studies and attempts to resolve for the benefit of each member and the region, areas of interlocal issues, which includes but not limited to transportation, transit, economic development, environment, and other issues that impact the region.

### PURPOSE OF THIS PROGRAM

MACOG is committed to, as stated in the Title VI of the Civil Right Act of 1964, “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.” In order to ensure individuals can effectively participate in or benefit from our programs, we will comply with the following policies:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)
- The Civil Rights Restoration Act of 1987 (P.L. 100.259)
- The U.S. Department of Transportation’s Title VI Regulations (49 CFR Part 21)
- Executive Order 12898 – “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”
- Executive Order 13166 - “Improving Access to Services for Persons with Limited English Proficiency”

By adoption of this Environmental Justice & Title VI Program, MACOG’s Policy Board ensures that all programs, policies, and activities comply with Title VI regulations. See Appendix B-1 for a signed copy of MACOG’s Title VI Non-Discrimination Assurances.

Any person or persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI have a right to file a formal complaint with MACOG. The entire Title VI complaint procedure can be found in Appendix B of this Program. Any such complaint must be in writing and filed with the Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

## **IMPLEMENTATION**

### **RESPONSIBLE OFFICIALS**

The Executive Director is responsible for administering the federally required duties of the MPO. As such, the Director is responsible for the MPO's adherence to and compliance with Title VI program implementation and policy development.

Title VI Coordinator role for the MPO is the Administrative Officer who is responsible for the day to day direct oversight of the MPO's compliance with Title VI. The Title VI Coordinator shall have direct access to the Executive Director. General responsibilities of the Title VI Coordinator include the following:

- Coordinating Title VI program development within the MPO and with Local Public Agencies (LPAs) within the region.
- Establishing procedures for processing Title VI program reviews.
- Coordinating Title VI training for MPO staff and stakeholders
- Preparing required reports.
- Providing guidance and advice on the Title VI program to MPO Staff and LPAs.
- Annually reviewing and updating the MPO's Title VI Program Plan as needed.

Inquiries regarding the MPO's Title VI activities should be directed to:

Zach Dripps, Title VI Coordinator  
227 W. Jefferson Blvd.  
11th Floor County-City Building  
South Bend, IN 46601  
zdripps@macog.com  
574-287-1829

### **PROGRAM AND PROJECT REVIEW**

As the Metropolitan Planning Organization, MACOG facilitates transportation policy development, planning, and programming for the region. This includes development of the long-range Metropolitan Transportation Plan and short-range Transportation Improvement Program, among other transportation-related plans. The majority of the plan's include a demographic profile and most document the potential impacts of projects on potentially disadvantaged population groups. If a concern were to arise, based on a public complaint or observation from a staff member, appropriate steps would be taken to review the plan or program and mitigate the concern.

All plans, policies, and guidance manuals developed by MACOG are updated as needed. Some are updated annually; others are updated when changes in State and Federal regulations and guidance require an update. When updates occur, the plans, policies, and guidance manuals are reviewed to determine Title VI implications and modified as necessary. MACOG regularly reviews and discusses general Title VI issues and concerns that may have arisen.

## **TITLE VI COMPLAINT PROCEDURES**

Any person or persons who believe, either individually or as a member of any specific class of persons, they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Michiana Area Council of Governments. A Title VI Complaint Form is available in Appendix B-2 and on our website at: [www.macog.com/title\\_vi.html](http://www.macog.com/title_vi.html).

A complaint may be filed without the Complaint Form if the complainant's name, mailing address, and details regarding the alleged discrimination are included in writing. The Complaint Form or written complaint may be hand delivered, mailed, or emailed to the following:

Zach Dripps, Title VI Coordinator  
227 W. Jefferson Blvd.  
11th Floor County-City Building  
South Bend, IN 46601  
[zdripps@macog.com](mailto:zdripps@macog.com)  
574-287-1829

The Title VI Coordinator will provide the complainant or their representative with a written acknowledgement by mail within 10 working days that the MPO has received the complaint.

The complaint will be reviewed by the Title VI Coordinator and Legal Counsel. It will then be forwarded to the Executive Director and Executive Committee of the Policy Board. The MPO will then notify the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) that a complaint has been received.

Corrective measures would then be initiated by MACOG to alleviate the discrimination and prevent future discrimination from occurring in the transportation planning process. MACOG will notify the complainant by mail the steps that were taken to mitigate and prevent such discrimination. The public may also submit discrimination complaints directly to the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). The complaint should be mailed to the Office of Civil Rights at either the FHWA or FTA.

## **STAFF TRAINING**

At least one staff member, typically the Title VI Coordinator, attends Title VI and ADA training annually. The Indiana Department of Transportation (INDOT) provides Title VI and ADA training in Indianapolis every year, covering all aspects of Title VI, including LEP planning. The MPO may also attend other training hosted by the Federal Highway Administration (FHWA) or online resources if available.

The Title VI Coordinator also trains the rest of the staff annually in the office. The training covers an overview of the Federal regulations and requirements, a summary of MACOG'S Title VI responsibilities, a review of the Public Notice and Complaint Procedures, and the process to follow in case of a complaint.

## **ENVIRONMENTAL JUSTICE INDICATORS OF POTENTIAL DISADVANTAGE**

### **METHODOLOGY**

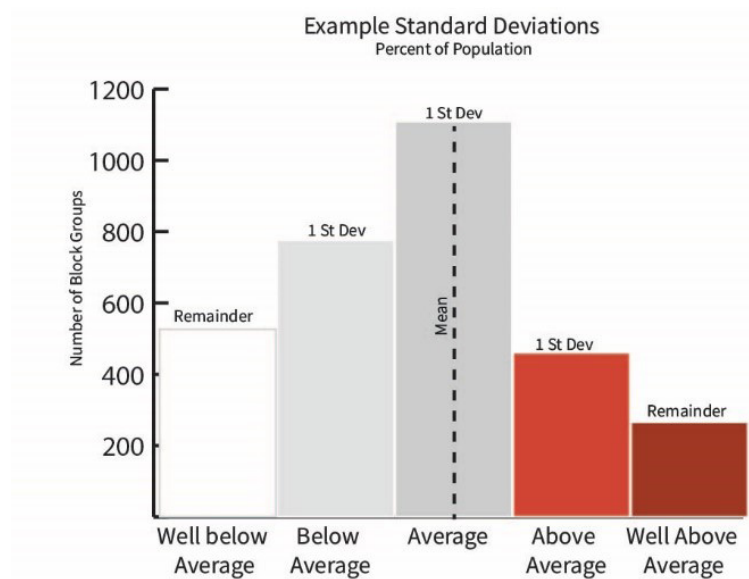
MACOG supports and models their Environmental Justice (EJ) process based upon guidelines from the Delaware Valley Regional Planning Commission (DVRPC) in Pennsylvania. DVRPC developed the Indicators of Potential Disadvantage (IPD) method, which locates selected population groups in the region to better inform how the regional transportation system and MPO programs, policies, and investments might impact these groups. These population groups include minorities, low-income, carless households, persons with physical disabilities, elderly over age 65, Hispanic, and Limited English Proficiency (LEP).

Neither Title VI or the Civil Rights Act nor Executive Order #12898 provides specific guidance to evaluate EJ within a region's transportation planning process. Therefore, MPOs must devise their own methods for ensuring that EJ population groups and issues are represented in transportation decision-making. This is a challenging assignment, and serious consideration must be given to the available types of quantifiable data, as well as how the data is to be used and interpreted. It should be noted that while the IPD method helps ascertain population data, it is only one tool in a larger strategy involving public participation, stakeholder outreach, data sources, and other research.

IPD information is derived from the American Community Survey (ACS) five-year estimates data set from the U.S. Census. The ACS is conducted every year to provide up-to-date information about the social and economic needs of the country. ACS data is in one-year, three-year, and five-year estimates.

The five-year estimates set was chosen as it provides the largest sample size, includes data for all areas, and information can be found at the census tract and block group level.

Using this data, population groups are identified and located at the block group level. Data is gathered at the regional level, combining populations from each of the four counties, for either individuals or households, depending on the indicator. From there, the total number of persons in each demographic group is divided by the appropriate universe (either population or households) for the four-county region, providing a regional average for that population group. Each block group is given a calculation determined by the standard deviations relative to each indicator's regional average. This calculation is used to determine the concentration of IPD population from "well below average" to "well above average." The IPD is identified when sensitive populations fall above average in each block group.



## REGIONAL DEMOGRAPHICS

EJ is concerned with the impacts of disparate funding and disparate services on defined minority and low-income groups. Some programs employ the EJ IPD method as the first step of a demographic analysis, identifying the potentially disadvantaged population groups first, and then using this knowledge as a planning tool for further recommendations and outreach.

The demographic groups that comprise the IPD are defined below, and include a definition of the population group plus the regional threshold that places IPD populations above average. Maps of each demographic group can be found on page B-8 and B-9.

### **RACIAL MINORITY**

Above Average Threshold: 26.3%

This population group includes the following ACS racial categories: Black or African American alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian and other Pacific Islander alone, some other race alone, and two or more races.

### **HISPANIC**

Above Average Threshold: 17.0%

Though often included in many minority definitions, Hispanic is an ethnicity, not a racial category. Hispanics are defined by the U.S. Census as “persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.”

### **HOUSEHOLDS IN POVERTY**

Above Average Threshold: 21.5%

Since poverty is defined at the family level and not the household level, the poverty status of the household is determined by the poverty status of the householder. Households are classified as poor when the total income of the householder’s family is below the appropriate poverty threshold, which was established in the Office of Management and Budget’s Statistical Policy Directive No. 14 and is adjusted for inflation.



## **CARLESS HOUSEHOLDS**

Above Average Threshold: 14.0%

This population is often referred to as “transit dependent,” i.e., those who must rely on public transit for their daily travel needs and who have limited mobility. Not owning a personal automobile may be a lifestyle choice for some, but for others automobile ownership is unattainable due to various constraints, including income or disability.

## **HOUSEHOLDS WITH PERSON(S) WITH DISABILITIES**

Above Average Threshold: 34.4%

This population is identifying by households that have at least one (1) person with a disability. That disability may be hearing, cognitive, ambulatory, self-care, or independent living difficulty.

## **ELDERLY**

Above Average Threshold: 19.1%

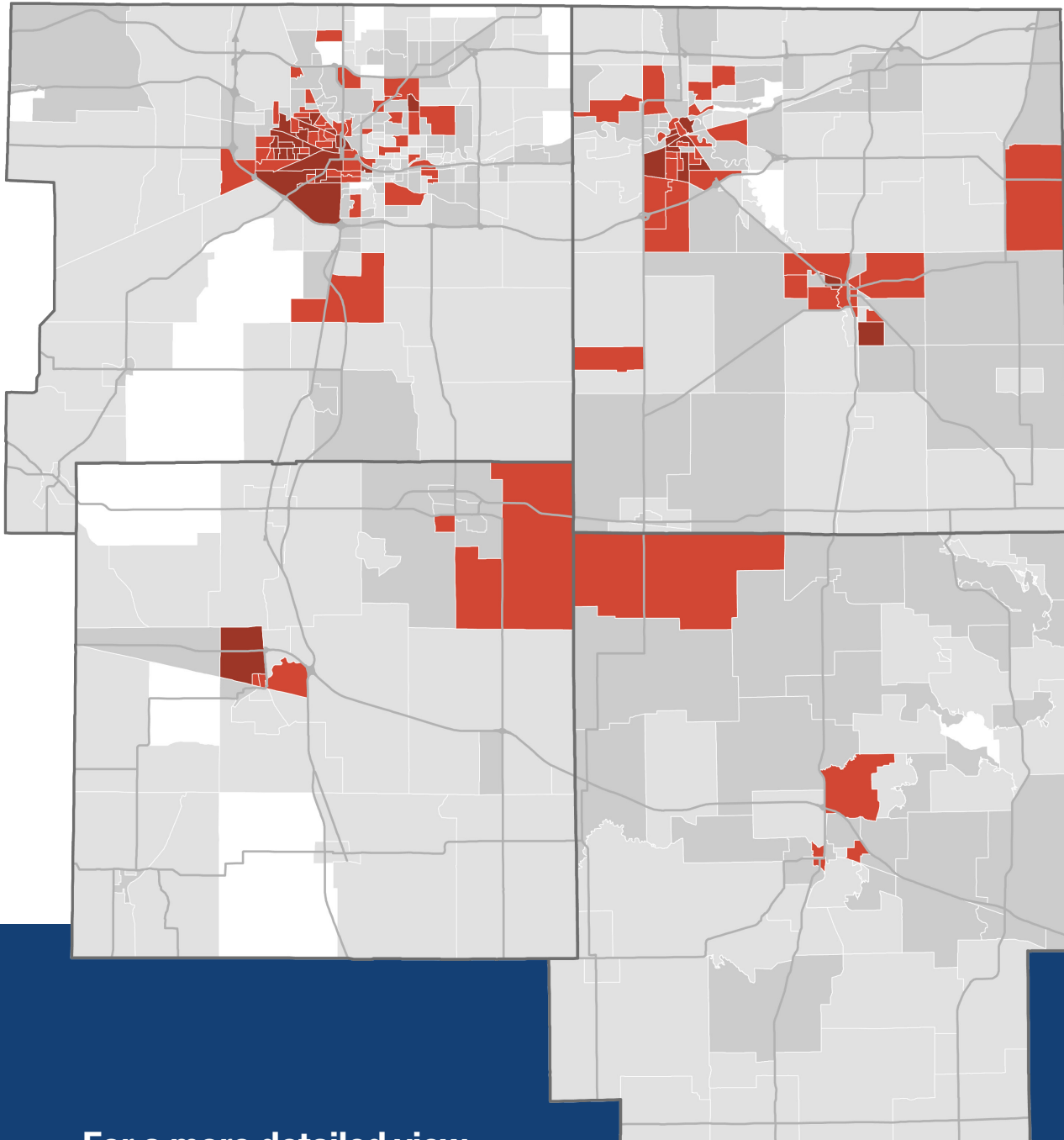
Elderly populations are identified as those age 65 and over.

## **LIMITED ENGLISH PROFICIENCY (LEP) HOUSEHOLDS**

Above Average Threshold: 4.4%

This population is identified by households that speak a language other than English at home and speak English “less than very well.” More analysis of this population group is done in the Limited English Proficiency (LEP) Language Assistance Plan.

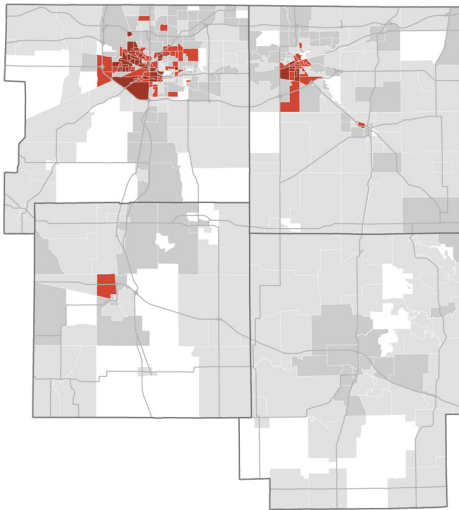
## Overall Indicators of Potential Disadvantage (IPD)



For a more detailed view,  
visit our website at  
[www.macog.com/title\\_vi](http://www.macog.com/title_vi)

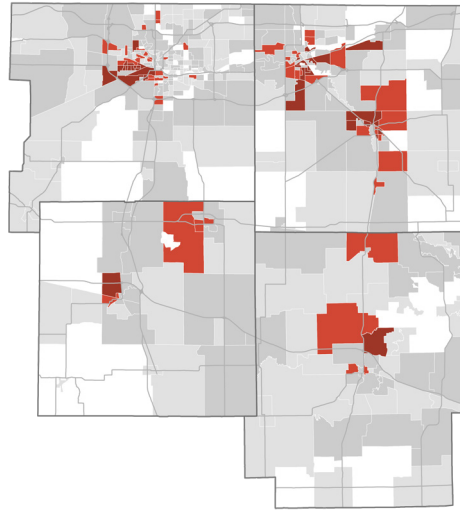
**Racial Minority**

Concentration Above 26.3%



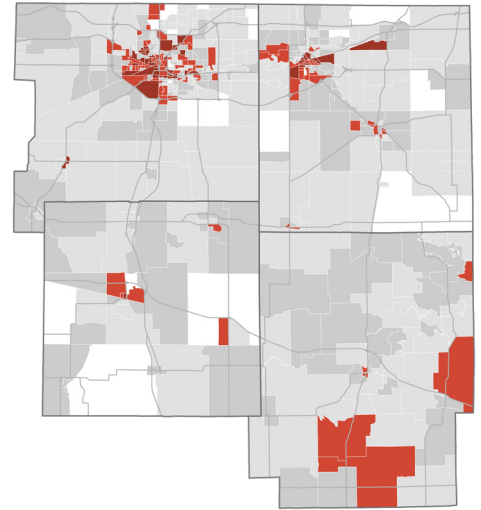
**Hispanic**

Concentration Above 17.0%



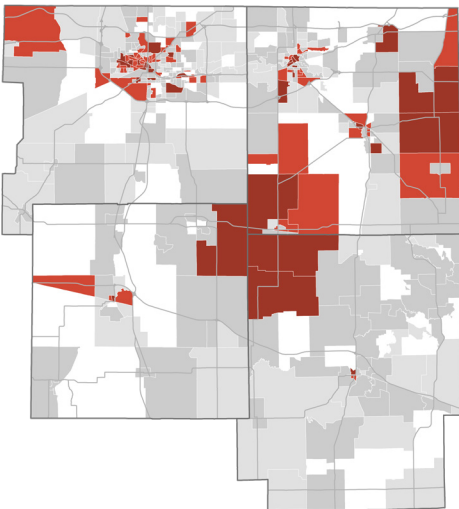
**Households in Poverty**

Concentration Above 21.5%



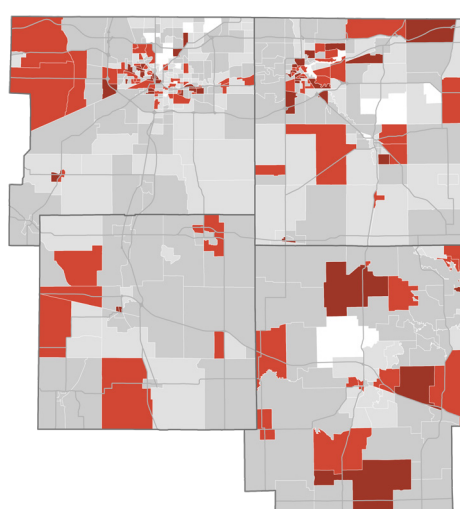
**Carless Households**

Concentration Above 14.0%



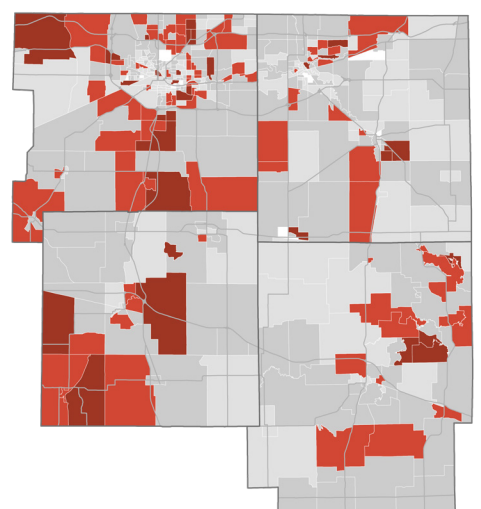
**Households with a Disability**

Concentration Above 34.4%



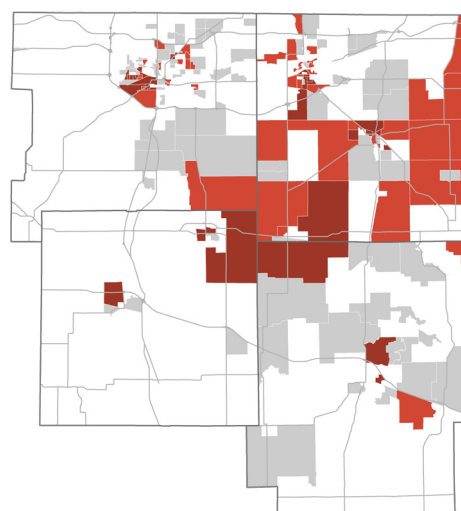
**Elderly**

Concentration Above 19.1%



**Limited English Proficiency (LEP)**

Concentration Above 4.4%



**LEGEND**

**Concentration of IPD Population**

- Well Below Average
- Below Average
- Average
- Above Average
- Well Above Average



# APPENDIX B1

## STANDARD U.S. DOT TITLE VI ASSURANCES

The Michiana Area Council of Governments (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 (DOT), through the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or the Indiana Department of Transportation (INDOT) it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 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, Nondiscrimination in Federally-Assisted Programs of 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 receives Federal financial assistance from the Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Transportation Planning:

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 proposals and, in adapted form in all proposals for negotiated agreements:

*The Michiana Area Council of Governments, 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 applicable activity, project, or program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the applicable activity, project, or 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 he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such 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 Department of Transportation under the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Indiana Department of Transportation (INDOT) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Indiana Department of Transportation (INDOT). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

Dated 8/14/19

Michiana Area Council of Governments  
(Recipient)

by   
(Signature of Authorized Official)

**APPENDIX A  
of B-1**

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

- (1) Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") 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, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, 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 this 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 issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *(Recipient)* or the *(Name of Appropriate Administration)* to be pertinent to ascertain compliance with such Regulations, orders and instructions. 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 *(Recipient)*, or the *(Name of Appropriate Administration)* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *(Recipient)* shall impose such contract sanctions as it or the *(Name of Appropriate Administration)* may determine to be appropriate, including, but not limited to:
  - (a) withholding of 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 the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the *(Recipient)* or the *(Name of Appropriate 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 *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, 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  
of B-1**

A. 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 *(Name of Recipient)* will accept Title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by *(Name of Appropriate 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 *(Name of Recipient)* all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

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

The *(Name of Recipient)*, 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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the *(Name of Recipient)* shall use the lands and interests in 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 reenter 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 instruction.\*

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

**APPENDIX C  
of B-1**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *(Name of Recipient)* pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, 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 maintain 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, *(Name of Recipient)* 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 [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *(Name of Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Name of Recipient)* pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, 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 (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, (*Name of Recipient*) shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (*Name of Recipient*) and its assigns.

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



# APPENDIX B2

## TITLE VI PUBLIC NOTICE, COMPLAINT PROCEDURES AND COMPLAINT FORM

### NOTIFICATION TO THE PUBLIC OF RIGHTS UNDER TITLE VI THE MICHIANA AREA COUNCIL OF GOVERNMENTS

The Michiana Area Council of Governments declares that it conducts its programs, services, and activities without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Michiana Area Council of Governments (MACOG).

For more information on MACOG's Civil Rights Program, and the procedures to file a complaint, call 574-287-1829, email Zach Dripps at [zdripps@macog.com](mailto:zdripps@macog.com), or visit our office at 227 W. Jefferson Blvd., 11th Floor County-City Bldg., South Bend, Indiana 46601.

A complainant may file a complaint directly with the Federal Highway Administration or the Federal Transit Administration by mailing complaints to:

Federal Highway Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
8th Floor E81-105  
1200 New Jersey Ave., SE  
Washington, DC 20590

Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

This notification is posted at a variety of locations.  
Si necesita información en otro idioma, llame al: 574-287-1829.



## **TITLE VI COMPLIANT PROCEDURE**

The Michiana Area Council of Governments (MACOG) is committed to a policy of non-discrimination in the operation of its programs and services without regard to race, color and national origin. Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color or national origin by MACOG is encouraged to report a Title VI complaint within 180 days of the alleged discrimination to:

Zach Dripps, Title VI Coordinator  
227 W. Jefferson Blvd.  
11th Floor County-City Building  
South Bend, IN 46601  
zdripps@macog.com  
574-287-1829

At the complainant's discretion, the complaint may be filed with MACOG and/or the Indiana Department of Transportation (INDOT), Federal Highway Administration (FHWA), or Federal Transit Administration (FTA).

## **SUBMISSION OF COMPLAINTS**

Complaints should contain the following information, ideally utilizing the MPO Title VI Complaint Form:

1. Name, address, and telephone number of the complainant.
2. Person discriminated against (if someone other than the complainant)
3. The basis of the complaint; i.e., race, color, or national origin.
4. The date or dates on which the alleged discriminatory event or events occurred.
5. The nature of the incident that led the complainant to feel discrimination was a factor.
6. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
7. Other agencies or courts where complaint may have been filed and a contact name.
8. Complainant's signature and date.

If you need information in another language, call 574-287-1829.  
Si necesita información en otro idioma, llame al: 574-287-1829.

## **REVIEW & INVESTIGATION OF COMPLAINT**

The Title VI Coordinator will provide the complainant or their representative with a written acknowledgement by mail within 10 working days that the MPO has received the complaint.

The complaint will be reviewed by the Title VI Coordinator and Legal Counsel. It will then be forwarded to the Executive Director and Executive Committee of the Policy Board. The MPO will then notify the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) that a complaint has been received.

## **CORRECTIVE MEASURE & APPEALS**

Corrective measures will then be initiated by MACOG to alleviate the discrimination and prevent future discrimination from occurring in the transportation planning process. MACOG will notify the complainant by mail the steps that were taken to mitigate and prevent such discrimination.

In cases where the complainant is dissatisfied with the resolution by MACOG the complaint may be submitted to the Indiana Department of Transportation (INDOT), Federal Highway Administration (FHWA), or Federal Transit Administration (FTA). See contact information below.

Indiana Department of Transportation  
Economic Opportunity Division  
Attn: Title VI/ADA Program Manager  
100 N. Senate N750  
Indianapolis, IN 46204

Federal Highway Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
8th Floor E81-105  
1200 New Jersey Ave., SE  
Washington, DC 20590

Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

## MICHIANA AREA COUNCIL OF GOVERNMENTS TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

*Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.*

1. Complainants' Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

2. Person discriminated against (if someone different other than the complainant) \_\_\_\_\_  
Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

3. I believe the discrimination I experienced was based on (check all that apply)

|                                     |                                 |  |
|-------------------------------------|---------------------------------|--|
| <input type="checkbox"/> Race       | <input type="checkbox"/> Color  | <input type="checkbox"/> Limited English-Proficiency (LEP) |
| <input type="checkbox"/> Gender     | <input type="checkbox"/> Age    | <input type="checkbox"/> National Origin                   |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Income | <input type="checkbox"/> Other _____                       |

4. Please provide the date and place(s) of the alleged discriminatory action(s).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



5. Describe the alleged discrimination in as much detail as possible. Attach more pages if necessary.

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6. List names and contact information of persons who may have knowledge of alleged discrimination.

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

7. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? (Check all that apply)

None                       Federal Agency                       State Agency  
 Local Agency                       Federal Court                       State Court

*Please provide the contact information where the complaint was filed.*

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

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

City, State & Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

Submit form and any additional information by mail to Zach Dripps, Title VI Coordinator, 227 W. Jefferson Blvd, 11th Floor, South Bend, IN 46601; or email to [zdripps@macog.com](mailto:zdripps@macog.com).

